

**Executive Summary – Enforcement Matter – Case No. 45131**  
**The Dow Chemical Company**  
**RN100225945**  
**Docket No. 2012-2015-IHW-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IHW

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Dow Texas Operations Freeport, 2301 North Brazosport Boulevard, Freeport, Brazoria County

**Type of Operation:**

Chemical manufacturing facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes - 2012-1672-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 10, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$51,380

**Amount Deferred for Expedited Settlement:** \$10,276

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$20,552

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$20,552

Name of SEP: Friends of the River San Bernard

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 45131**  
**The Dow Chemical Company**  
**RN100225945**  
**Docket No. 2012-2015-IHW-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 20, 2012

**Date(s) of NOE(s):** August 28, 2012

***Violation Information***

1. Failed to meet the regulatory limit for the stack gas concentration of 100 parts per million volume (“ppmv”) of carbon monoxide (“CO”) while burning hazardous waste in Boiler FTB-210 (Notice of Registration (“NOR”) Unit No. 154). Specifically, the automatic waste feed cutoff (“AWFCO”) failed to properly activate when the CO exceeded 100 ppmv on seven occurrences from May 18, 2011 through June 3, 2011 [30 TEX. ADMIN. CODE § 335.221(a)(6) and 40 CODE OF FEDERAL REGULATIONS (“CFR”) §§ 266.102(e)(1), 266.102(e)(2)(ii)(A), 266.104(b)(1) and Hazardous Waste Permit No. 50161, Provision V.I.3.b.(i)].
2. Failed to perform operational testing on the AWFCO for boiler FTB-210 (NOR Unit No. 154) at least once every seven days. Specifically, operational testing on the AWFCO was not conducted on June 9, June 27, and October 18, 2010 [30 TEX. ADMIN. CODE § 335.221(a)(6) and 40 CFR § 266.102(e)(8)(iv), and Hazardous Waste Permit No. 50161, Provision V.I.7.d.].
3. Failed to document weekly inspections of container storage areas. Specifically, no inspection records were available for the following units: 1) Block A-16 (NOR Unit No. 248); 2) Block A-18 (NOR Unit No. 249); 3) Block B-2 (NOR Unit No. 259); 4) Block B-38 (NOR Unit No. 263); 5) Block B-48 (NOR Unit No. 264); 6) Block B-46 (NOR Unit No. 308); 7) Block B-14 (NOR Unit No. 315); 8) Block A-13 (NOR Unit No. 323); 9) Block B-46 (NOR Unit No. 421); 10) Block B-6 (NOR Unit No. 438); 11) Block B-40 (NOR Unit No. 602); 12) Block B-40 (NOR Unit No. 603); 13) Block B-20 (NOR Unit No. 619); and 14) Block A-24 (NOR Unit No. 684) [30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR § 265.174].
4. Failed to document daily inspections of hazardous waste tank systems. Specifically, no inspection records were available for Tank ND-116 (NOR Unit No. 008 in Block A-18) on May 13, 2012 and Tank D-840 (NOR Unit 205 in Block B-46) on October 2, 2011 [30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CFR § 265.195(g)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

**Executive Summary – Enforcement Matter – Case No. 45131**  
**The Dow Chemical Company**  
**RN100225945**  
**Docket No. 2012-2015-IHW-E**

- a. Conducted employee training on July 11, 2012, in performing operational testing on the AWFCO system for Boiler FTB-210 at least once every seven days;
- b. Conducted employee training in documentation of weekly inspections of all container storage areas on July 11, 2012;
- c. Conducted employee training in documentation of daily inspections of all hazardous waste tank systems on July 11, 2012; and
- d. Programmed the computer alarm to shut down the hazardous waste feed at 75 ppmv to prevent the gas stack concentration from exceeding 100 ppmv of CO on September 11, 2012.

**Technical Requirements:**

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Michael Meyer, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-4492; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondent:** Fran Quinlan Falcon, Environmental Leveraged Delivery Leader, The Dow Chemical Company, 2301 North Brazosport Boulevard, Freeport, Texas 77541  
Janice Waldron, RCRA Coordinator, The Dow Chemical Company, 2301 North Brazosport Boulevard, Freeport, Texas 77541

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES**

**Assigned PCW**

1-Oct-2012  
1-Feb-2013

**Screening**

4-Oct-2012

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** The Dow Chemical Company  
**Reg. Ent. Ref. No.** RN100225945  
**Facility/Site Region** 12-Houston **Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 45131 **No. of Violations** 4  
**Docket No.** 2012-2015-IHW-E **Order Type** 1660  
**Media Program(s)** Industrial and Hazardous Waste **Government/Non-Profit** No  
**Multi-Media** **Enf. Coordinator** Michael Meyer  
**EC's Team** Enforcement Team 6

**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$22,800

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **135.0%** Enhancement **Subtotals 2, 3, & 7** \$30,780

**Notes** Enhancement for 18 dissimilar NOV's, 11 Orders with denial of liability, 8 Orders without denial of liability. Reduction for 215 notices of intent to conduct an audit, and 53 disclosures of violations for audits.

**Culpability** No **0.0%** Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$3,075

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$649  
Approx. Cost of Compliance \$3,500  
\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** \$50,505

## OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$50,505

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$50,505

## DEFERRAL

20.0%

Reduction

**Adjustment** -\$10,101

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$40,404

Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 45131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	215	-215%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	53	-106%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 135%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 18 dissimilar NOVs, 11 Orders with denial of liability, 8 Orders without denial of liability. Reduction for 215 notices of intent to conduct an audit, and 53 disclosures of violations for audits.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 135%

Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 45131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.221(a)(6) and 40 Code of Federal Regulations ("CFR")  
§§ 266.102(e)(1), 266.102(e)(2)(ii)(A), 266.104(b)(1) and Hazardous Waste  
Permit No. 50161, Provision V.I.3.b.(I)

Violation Description

Failed to meet the regulatory limit for the stack gas concentration of 100 parts per million volume ("ppmv") of carbon monoxide ("CO") while burning hazardous waste in Boiler FTB-210 (Notice of Registration Unit No. 154). Specifically, the automatic waste feed cutoff ("AWFCO") failed to properly activate when the CO exceeded 100 ppmv on seven occurrences from May 18, 2011 through June 3, 2011.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 7

5

Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$17,500

7 single events (one event per occurrence) are recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$1,750

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent achieved compliance on September 11, 2012, after the Notice of Enforcement dated August 28, 2012.

Violation Subtotal \$15,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$39,375

This violation Final Assessed Penalty (adjusted for limits) \$39,375

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company

**Case ID No.** 45131

**Reg. Ent. Reference No.** RN100225945

**Media** Industrial and Hazardous Waste

**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-May-2011	11-Sep-2012	1.32	\$33	\$33

**Notes for DELAYED costs**

Estimated cost to regulate stack gas concentration while burning hazardous waste. The Date Required is the date of the initial violation and the Final Date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$500

**TOTAL** \$33



Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 45131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 335.221(a)(6) and 40 CFR § 266.102(e)(8)(iv), and  
Hazardous Waste Permit No. 50161, Provision V.I.7.d.

Violation Description

Failed to perform operational testing on the AWFCO for boiler FTB-210 (NOR Unit  
No. 154) at least once every seven days. Specifically, operational testing on the  
AWFCO was not conducted on June 9, June 27, and October 18, 2010.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential			x

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix  
NotesHuman health or the environment will or could be exposed to insignificant pollutants which would  
not exceed levels that are protective of human health or environmental receptors as a result of the  
violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

3 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Three single events (one event per test) are recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on July 11, 2012,  
prior to the Notice of Enforcement ("NOE") dated August  
28, 2012.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$6,300

This violation Final Assessed Penalty (adjusted for limits) \$6,300

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company

**Case ID No.** 45131

**Reg. Ent. Reference No.** RN100225945

**Media** Industrial and Hazardous Waste

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	9-Jun-2010	11-Jul-2012	2.09	\$52	n/a	\$52

## Notes for DELAYED costs

Estimated cost to conduct employee training in performing operational testing on the AWFCO system for Boiler FTB-210 at least once every seven days. The Date Required is the date of the initial violation and the Final Date is date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$52

Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 45131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 CFR § 265.174

Violation Description

Failed to document weekly inspections of container storage areas. Specifically, no inspection records were available for the following units: 1) Block A-16 (Notice of Registration ("NOR") Unit No. 248); 2) Block A-18 (NOR Unit No. 249); 3) Block B-38 (NOR Unit No. 263); 4) Block B-48 (NOR Unit No. 264); 5) Block B-46 (NOR Unit No. 308); 6) Block B-14 (NOR Unit No. 315); 7) Block A-13 (NOR Unit No. 323); 8) Block B-46 (NOR Unit No. 421); 9) Block B-6 (NOR Unit No. 438); 10) Block B-40 (NOR Unit No. 602); 11) Block B-40 (NOR Unit No. 603); 12) Block B-20 (NOR Unit No. 619); and 13) Block A-24 (NOR Unit No. 684).

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 13

13 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,300

13 single events are recommended (one for each container unit).

## Good Faith Efforts to Comply

25.0% Reduction

\$325

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on July 11, 2012, prior to the NOE dated August 28, 2012.

Violation Subtotal \$975

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$564

Violation Final Penalty Total \$2,730

This violation Final Assessed Penalty (adjusted for limits) \$2,730

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 45131  
**Reg. Ent. Reference No.** RN100225945  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,500	8-Jan-2008	11-Jul-2012	4.51	\$564	n/a	\$564
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

## Notes for DELAYED costs

Estimated cost to conduct employee training in documentation of weekly inspections of all container storage areas. The Date Required is the initial violation date and the Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$564

Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 45131

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 CFR § 265.174

Violation Description

Failed to document weekly inspections of container storage areas. Specifically, no inspection records were available from January 2010 to January 2011 for Block B-2 (NOR Unit No. 259).

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

30 to 70% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on July 11, 2012, prior to the NOE dated August 28, 2012.

Violation Subtotal \$750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,100

This violation Final Assessed Penalty (adjusted for limits) \$2,100

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 45131  
**Reg. Ent. Reference No.** RN100225945  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 3.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES** **Assigned** 1-Oct-2012 **PCW** 1-Feb-2013 **Screening** 4-Oct-2012 **EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** The Dow Chemical Company  
**Reg. Ent. Ref. No.** RN100225945  
**Facility/Site Region** 12-Houston **Major/Minor Source** Major

## CASE INFORMATION

**Enf./Case ID No.** 45131 **No. of Violations** 1  
**Docket No.** 2012-2015-IHW-E **Order Type** 1660  
**Media Program(s)** Industrial and Hazardous Waste **Government/Non-Profit** No  
**Multi-Media** **Enf. Coordinator** Michael Meyer  
**EC's Team** Enforcement Team 6

**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 100.0% Enhancement **Subtotals 2, 3, & 7** \$500

**Notes** Enhancement for 18 dissimilar NOVs, 11 Orders with denial of liability, 8 Orders without denial of liability. Reduction for 215 notices of intent to conduct an audit, and 53 disclosures of violations for audits.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$125

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$7  
 Approx. Cost of Compliance \$2,500  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$875

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$875

**STATUTORY LIMIT ADJUSTMENT** \$875

**DEFERRAL** 20.0% Reduction **Adjustment** -\$175

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$700

Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 3 (September 2011)

Case ID No. 45131

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

**Compliance History Worksheet**>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	215	-215%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	53	-106%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 135%>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%>> **Compliance History Summary****Compliance History Notes**

Enhancement for 18 dissimilar NOVs, 11 Orders with denial of liability, 8 Orders without denial of liability. Reduction for 215 notices of intent to conduct an audit, and 53 disclosures of violations for audits.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 135%>> **Final Compliance History Adjustment****Final Adjustment Percentage \*capped at 100%** 100%



Screening Date 4-Oct-2012

Docket No. 2012-2015-IHW-E

PCW

Respondent The Dow Chemical Company

Policy Revision 3 (September 2011)

Case ID No. 45131

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100225945

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(B) and 40 Code of Federal Regulations ("CFR") § 265.195(g)

Violation Description

Failed to document daily inspections of hazardous waste tank systems. Specifically, no inspection records were available for Tank ND-116 (Notice of Registration ("NOR") Unit No. 008 in Block A-18) on May 13, 2012 and Tank D-840 (NOR Unit 205 in Block B-46) on October 2, 2011.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events (one event for each tank system) are recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$125

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance on July 11, 2012, prior to the Notice of Enforcement ("NOE") letter dated August 28, 2012.

Violation Subtotal \$375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$875

This violation Final Assessed Penalty (adjusted for limits) \$875

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company

**Case ID No.** 45131

**Reg. Ent. Reference No.** RN100225945

**Media** Industrial and Hazardous Waste

**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,500	20-Jun-2012	11-Jul-2012	0.06	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

## Notes for DELAYED costs

Estimated cost to conduct employee training in documentation of daily inspections for all hazardous waste tank systems. The Date Required is the investigation date and the Final Date is the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

## Notes for AVOIDED costs

**Approx. Cost of Compliance**

\$2,500

**TOTAL**

\$7



# Compliance History Report

**PENDING** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN600356976, The Dow Chemical Company **Classification:** SATISFACTORY **Rating:** 4.42

**Regulated Entity:** RN100225945, DOW TEXAS OPERATIONS FREEPORT **Classification:** SATISFACTORY **Rating:** 13.08

**Complexity Points:** 108 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 2301 N BRAZOSPORT BLVD FREEPORT, TX 77541-3203, BRAZORIA COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER BL0082R

**AIR OPERATING PERMITS** PERMIT 2202

**AIR OPERATING PERMITS** PERMIT 2204

**AIR OPERATING PERMITS** PERMIT 2206

**AIR OPERATING PERMITS** PERMIT 2208

**AIR OPERATING PERMITS** PERMIT 2210

**AIR OPERATING PERMITS** PERMIT 2212

**AIR OPERATING PERMITS** PERMIT 2214

**AIR OPERATING PERMITS** PERMIT 2216

**AIR OPERATING PERMITS** PERMIT 2218

**AIR OPERATING PERMITS** PERMIT 2220

**AIR OPERATING PERMITS** PERMIT 2311

**AIR OPERATING PERMITS** PERMIT 2697

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD000803270

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30106

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200535

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200531

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200232

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200027

**WASTEWATER** EPA ID TX0006483

**WASTEWATER** EPA ID TX0059447

**UNDERGROUND INJECTION CONTROL** PERMIT WDW071

**UNDERGROUND INJECTION CONTROL** PERMIT WDW081

**AIR NEW SOURCE PERMITS** PERMIT 3941

**AIR NEW SOURCE PERMITS** REGISTRATION 11832

**AIR NEW SOURCE PERMITS** PERMIT 19041

**AIR NEW SOURCE PERMITS** PERMIT 20285

**AIR NEW SOURCE PERMITS** PERMIT 20525

**AIR NEW SOURCE PERMITS** PERMIT 20775

**AIR NEW SOURCE PERMITS** PERMIT 20777

**AIR NEW SOURCE PERMITS** PERMIT 22070

**AIR NEW SOURCE PERMITS** PERMIT 22072

**AIR NEW SOURCE PERMITS** REGISTRATION 22759

**AIR NEW SOURCE PERMITS** REGISTRATION 22809

**AIR NEW SOURCE PERMITS** REGISTRATION 22851

**AIR NEW SOURCE PERMITS** REGISTRATION 22945

**AIR NEW SOURCE PERMITS** REGISTRATION 23076

**AIR OPERATING PERMITS** PERMIT 1388

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**AIR OPERATING PERMITS** PERMIT 2205

**AIR OPERATING PERMITS** PERMIT 2207

**AIR OPERATING PERMITS** PERMIT 2209

**AIR OPERATING PERMITS** PERMIT 2211

**AIR OPERATING PERMITS** PERMIT 2213

**AIR OPERATING PERMITS** PERMIT 2215

**AIR OPERATING PERMITS** PERMIT 2217

**AIR OPERATING PERMITS** PERMIT 2219

**AIR OPERATING PERMITS** PERMIT 2221

**AIR OPERATING PERMITS** PERMIT 2313

**AIR OPERATING PERMITS** PERMIT 3005

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD008092793

**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50161

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200530

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200533

**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0200534

**WASTEWATER** PERMIT WQ0000007000

**WASTEWATER** EPA ID TX0006484

**UNDERGROUND INJECTION CONTROL** PERMIT WDW059

**UNDERGROUND INJECTION CONTROL** PERMIT WDW076

**AIR NEW SOURCE PERMITS** PERMIT 941

**AIR NEW SOURCE PERMITS** PERMIT 3947

**AIR NEW SOURCE PERMITS** REGISTRATION 12173

**AIR NEW SOURCE PERMITS** PERMIT 20195

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AIR NEW SOURCE PERMITS PERMIT 19792  
AIR NEW SOURCE PERMITS PERMIT 1258

AIR NEW SOURCE PERMITS PERMIT 1559  
AIR NEW SOURCE PERMITS PERMIT 1658  
AIR NEW SOURCE PERMITS PERMIT 2008A  
AIR NEW SOURCE PERMITS PERMIT 2606  
AIR NEW SOURCE PERMITS PERMIT 2772  
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AIR NEW SOURCE PERMITS PERMIT N59  
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AIR NEW SOURCE PERMITS REGISTRATION 77143  
AIR NEW SOURCE PERMITS REGISTRATION 77522  
AIR NEW SOURCE PERMITS REGISTRATION 76863  
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AIR NEW SOURCE PERMITS PERMIT 75751  
AIR NEW SOURCE PERMITS REGISTRATION 76138  
AIR NEW SOURCE PERMITS REGISTRATION 75513  
AIR NEW SOURCE PERMITS REGISTRATION 56851  
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AIR NEW SOURCE PERMITS REGISTRATION 81724  
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**AIR NEW SOURCE PERMITS** REGISTRATION 98434  
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**AIR NEW SOURCE PERMITS** PERMIT 104094  
**AIR NEW SOURCE PERMITS** REGISTRATION 103328  
**AIR NEW SOURCE PERMITS** PERMIT 104098  
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**AIR NEW SOURCE PERMITS** REGISTRATION 106311  
**AIR NEW SOURCE PERMITS** REGISTRATION 105876  
**AIR NEW SOURCE PERMITS** REGISTRATION 105879  
**AIR NEW SOURCE PERMITS** REGISTRATION 105874  
**AIR NEW SOURCE PERMITS** REGISTRATION 105871  
**AIR NEW SOURCE PERMITS** REGISTRATION 105972  
**AIR NEW SOURCE PERMITS** REGISTRATION 106147  
**AIR NEW SOURCE PERMITS** REGISTRATION 106326  
**AIR NEW SOURCE PERMITS** REGISTRATION 105880  
**AIR NEW SOURCE PERMITS** AFS NUM 4803900041

**WATER LICENSING** LICENSE 0200232  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION #  
(SWR) 30106  
**STORMWATER** PERMIT TXR15MV78  
**STORMWATER** PERMIT TXR15TG72  
**STORMWATER** PERMIT TXR15UP11  
**STORMWATER** PERMIT TXR15TZ79  
**STORMWATER** PERMIT TXR15VF26  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER BL0082R

**AIR NEW SOURCE PERMITS** REGISTRATION 97210  
**AIR NEW SOURCE PERMITS** REGISTRATION 103262  
**AIR NEW SOURCE PERMITS** REGISTRATION 101933  
**AIR NEW SOURCE PERMITS** REGISTRATION 103540  
**AIR NEW SOURCE PERMITS** REGISTRATION 104045  
**AIR NEW SOURCE PERMITS** REGISTRATION 102308  
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**AIR NEW SOURCE PERMITS** REGISTRATION 105203  
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**AIR NEW SOURCE PERMITS** REGISTRATION 106065  
**AIR NEW SOURCE PERMITS** EPA ID PSDTX1314  
**AIR NEW SOURCE PERMITS** REGISTRATION 105870  
**AIR NEW SOURCE PERMITS** REGISTRATION 105878  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION  
38910  
**WASTEWATER LICENSING** LICENSE WQ0000007000  
**STORMWATER** PERMIT TXR15KB16

**STORMWATER** PERMIT TXR15TG75  
**STORMWATER** PERMIT TXR15SH92  
**STORMWATER** PERMIT TXR15UC23  
**STORMWATER** PERMIT TXR15VF29  
**STORMWATER** PERMIT TXR15UZ13  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00182

**AIR NEW SOURCE PERMITS** REGISTRATION 101302  
**AIR NEW SOURCE PERMITS** REGISTRATION 100322  
**AIR NEW SOURCE PERMITS** REGISTRATION 97243  
**AIR NEW SOURCE PERMITS** REGISTRATION 98793

**AIR NEW SOURCE PERMITS** REGISTRATION 98680  
**AIR NEW SOURCE PERMITS** REGISTRATION 98805  
**AIR NEW SOURCE PERMITS** PERMIT 100787  
**AIR NEW SOURCE PERMITS** REGISTRATION 98440  
**AIR NEW SOURCE PERMITS** REGISTRATION 98429



**Compliance History Period:** September 01, 2007 to August 31, 2012      **Rating Year:** 2012      **Rating Date:** 09/01/2012  
**Date Compliance History Report Prepared:** October 11, 2012  
**Agency Decision Requiring Compliance History:** Enforcement  
**Component Period Selected:** September 21, 2007 to September 21, 2012  
**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Michael Meyer      **Phone:** (512) 239-4492

**Site and Owner/Operator History:**

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If YES for #2, who is the current owner/operator?   | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)?                                     | N/A |
| 5) If YES, when did the change(s) in owner or operator occur?                                      | N/A |

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

1      Effective Date: 04/03/2008      ADMINORDER 2007-0573-AIR-E (1660 Order)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02313, SC 1.A. OP  
Permit No. 37884, SC 6.A. PERMIT

Description: Failed to maintain a minimum net heating value of 200 BTU/scf on Polypropylene Flare F-600.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02313, SC 8.A. OP  
Permit No. 37884, SC 1 PERMIT

Description: Failed to meet the maximum allowable emission rate of 0.65 lb/hour for NOx on Polypropylene Flare F-600.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02313, SC 8.A. OP  
Permit No. 37884, SC 8.E. PERMIT

Description: Failed to seal an open-ended line with a second valve, blind flange, cap, or plug.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 48813, SC 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

2 Effective Date: 06/19/2008 ADMINORDER 2007-1756-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 834, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,184 pounds of the highly reactive volatile organic compound ("HRVOC") ethylene were released through a 3-way diverter valve on the KO-132 knockout pot in the Polyethylene 4 Unit during an emissions event (Incident No. 96595) that occurred on August 27, 2007 and lasted one hour and 15 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 18569, SC1 PERMIT

Description: Failed to comply with the emissions limit of 0.15 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 400 parts per million volume ("ppmv") at 3.0% oxygen for the F-826 Heater, emissions point number ("EPN") B23S826.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 20432 and PST-TX-994, S.C. I-1 PERMIT  
Description: Failed to prevent unauthorized emissions.

3 Effective Date: 08/15/2008 ADMINORDER 2007-1843-IHW-E (1660 Order)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(11)  
30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(ii)(A)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(c)(1)(v)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)

Rqmt Prov: V.I.3.b.1. PERMIT

Description: Failed to meet the regulatory limit for stack gas concentration of carbon monoxide ("CO") while burning hazardous waste in Boiler F-2820 (Permit Unit 30, NOR Unit 180).

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(13)

30 TAC Chapter 335, SubChapter H 335.221(a)(6)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(ii)

40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.103(g)

Rqmt Prov: V.I.3.b.2. PERMIT

Description: Failed to maintain a functioning automatic waste feed cutoff system.

4 Effective Date: 10/23/2008 ADMINORDER 2008-0478-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter F 101.221(a)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit No. 834, SC 3 PERMIT

TCEQ Air Permit No. 834, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit 20432, SC CIII-1 PERMIT

Description: Failed to prevent unauthorized emissions.

5 Effective Date: 10/23/2008 ADMINORDER 2004-1344-MLM-E (Findings Order)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Air Permit No. 20432/PST-TX-894 PERMIT

Description: Failed to prevent the lock-nut from falling off the positioner pin, which disconnected the feedback arm from the coupler block in the LHC-8. This resulted in the release of unauthorized emissions which exceeded permitted limits. Specifically, the total unauthorized emissions above the emissions cap from this incident were 80,525 lbs of VOCs, 4,599 lbs of benzene, and 10,050 lbs of CO.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)

30 TAC Chapter 115, SubChapter B 115.122(a)

5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent the unauthorized emission of ethylene at the Dow's Plant B Polyethylene (PE) Unit for a period of 33 hours starting on April 7, 2003. The reported value of ethylene released to the atmosphere, as a result of malfunctioning of the Train 2 safety relief valve, was 203,000 lbs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Air Permit No. X-7386, SC 1 PERMIT

Description: Failed to comply with the permitted limit established in the Maximum Allowable Emission Rate Table (MAERT) of Air Permit No. X-7386 for ethylene oxide. Specifically, the Respondent failed to prevent the unauthorized emission of ethylene oxide at the Dow's Hydroxyalkyl Acrylate (HHA Reactor System B6400) Unit for a period of one hour 45 minutes on March 12, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 37884, MAERT PERMIT

Description: Failed to comply with the permitted limit established in the Maximum Allowable Emission Rate Table (MAERT) of Air Permit No. 37884 for propylene (C<sub>3</sub>H<sub>6</sub>O), carbon monoxide (CO), and nitric oxide (NO<sub>x</sub>). Specifically, the Respondent failed to prevent the unauthorized emission of C<sub>3</sub>H<sub>6</sub>O, CO, and NO<sub>x</sub> at the Dow's North American Propylene (NAPP-1) Unit during the period between January 4 and 25, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit #19041, Special Condition #9 PERMIT

Description: Failed to have available the records to demonstrate that samples were being continuously collected from the bottoms of stripping towers T-444 and T-445.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 19041, Special Condition #13 PERMIT

Description: Failed to use an approved method to establish the pounds per hour of VOCs emitted into the atmosphere from cooling towers CT-320 and CT-2320.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit #19041, Special Condition #19.B PERMIT

Description: Failed to conduct a quarterly accuracy audit for the CEMS on Boiler No. 2 FTB-402 (EPN No. OC5SV404) for the third quarter (July through September) of 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit #19041, Special Conditions 15,16 PERMIT  
Permit 19041, SC 1 PERMIT

Description: Failed to meet the requirements of the VOC leak detection and repair programs. Specifically, one pump was not attempted to be repaired within five days; and two pumps, one valve, and two connectors were not repaired within 15 days.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1004(b)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 19041, SC 1 PERMIT

Description: Failed to perform VOC leak detection monitoring of valves according to 40 CFR Part 60, Appendix A-7, Method 21, 8.3.1 during the fourth quarter of 2003. The estimated amount of VOC emissions from the 25 valves were 20.24 lbs of VOCs.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a complete final emissions event report.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)  
30 TAC Chapter 335, SubChapter O 335.431  
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.1(a)  
40 CFR Chapter 268, SubChapter I, PT 268, SubPT D 268.40(a)

Rqmt Prov: HW Permit 50161 III-E 10 and V-EE PERMIT

Description: Failed to prevent the disposal of unauthorized hazardous waste into an on-site hazardous waste landfill. Specifically, instead of sending the waste to an on-site incinerator, or performing the on-site waste stabilization treatment, 355 cubic yards of non-treated waste (contaminated soil) was placed in Cell IV of Dow's Block-51 landfill between the period of January 14, 2003 and September 23, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit 834, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 10,085 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene during an emissions event that occurred on May 26, 2004 and lasted 4 hours and 30 minutes. These emissions were not authorized by the permit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on May 26, 2004 at 9:30 a.m., but was not reported until May 27, 2006 at 1:59 p.m.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit #20432, SC ChIII-1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 834, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions and failed to prevent visible emissions with an opacity greater than 30% for any 6-minute period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit #20432, SC #III-1 PERMIT

Description: Failed to comply with Air Permit No. 20432, Special Condition III-1, by allowing the release of unauthorized emissions at the Light Hydrocarbon 7 facility during a nonexempt emissions event which lasted from 4:35 a.m. until 9:30 a.m. on August 13, 2004. The emissions event was caused by an error made by maintenance personnel who left a valve closed on a backup hydrogen line for one of the facility's reactors.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit 20432, SC III-1 PERMIT

Permit 20432, SC 111-17 PERMIT

Description: Failed to prevent unauthorized emissions, failed to prevent visible emissions from a process gas flare for more than five minutes in any two-hour period, and failed to operate a process gas flare with a pilot flame present at all times.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit #20776, Special Condition #8 PERMIT

Description: Failed to maintain pH and water flow rates for Scrubber D-27. The maximum allowable pH is 4.0 and the minimum required flow rate is 0.6 gallons per minute or 5 pounds per minute (lbs/min). On 9/24/03 at 2:10 p.m., redundant pH readings were 9.1 and 8.6 and were caused by blow-back of trimethylamine (TMA) in the line after unloading a railcar.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit #20776, Special Cond. #7.G. PERMIT

Description: Failed to conduct an instrument-monitored fugitive emission inspection on a pump, Tag #EAI273155, for two quarters, fourth quarter 2003 and first quarter 2004.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Perm. #20776, Spec. Cond. #6.E & 7.E PERMIT

Description: Failed to maintain caps and/or plugs on four open-ended lines in the B6600 Quat 188 Plant for components EAI272070 (T-100c/EPN B6610V100), EAI272990 (T-100c/EPN B6610V100), EAI273010 (D-57/EPN Unknown), and EAI272471 (P-53A/EPN B6610V53).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit #20776, General Cond. #7 PERMIT

Description: Failed to retain two-year fugitive emission monitoring records for 21 components in methylene chloride service and 22 components in volatile organic compound (VOC) service.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit #20776, Special Cond. #10 PERMIT

Description: Failed to monitor for fugitive emissions all connectors, regardless of size, in VOC service. A total of 649 components were not monitored.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
5C THSC Chapter 382 382.0518(a)

Description: Failed to obtain a permit prior to constructing and operating methylene chloride extraction Tower T-100c.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit 20432, SC III-1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,160 lbs of volatile organic compounds ("VOCs") from the Light Hydrocarbons - 7 Unit, Facility ID No. B72L7RX1, emission point number ("EPN") B60F3 and 546.9 lbs of Carbon Monoxide and 90% opacity from Facility ID No. B60L7F1 during an emissions event that occurred on April 28, 2005 and lasted 1 hour and 36 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit 834, SC1 PERMIT

Description: Failed to prevent unauthorized emissions of 2,369 pounds ("lbs") of the HRVOC Ethylene at the Polyethylene IV Unit, Facility ID NO. B41P4RX1, emission point number ("EPN") B41RL1 during an emissions event that occurred on March 30, 2005 and lasted 15 minutes. These emissions are not authorized by the permit.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 19519, SC 5E PERMIT

48813, SC 5E PERMIT

6803, SC 9E PERMIT

834, SC 9E PERMIT

8567, SC 8E PERMIT

O-02215, SC 1A & SC 11 OP

Description: Failed to equip 27 open-ended lines with a cap or plug within the operating areas of B27P3FU3, B25P2FU1, B25P2FU2, B37P4FU1, B41P4FU1, and B77APFU1 between February 27, 2004 and August 29, 2004. Specifically during the deviation reporting periods of January 28, 2004 to July 27, 2004 and July 28, 2004 to September 30, 2004 there were 27 deviations reported for open-ended lines in VOC service with no second valve, blind flange, cap, or plug.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 834, SC 9I PERMIT

O-02215, SC 1A & SC 11 OP

Description: Failed to either repair or place on the delay of repair list 10 leaking components in Unit B41P4FU1 within 15 days after the leak was discovered.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02215, General Terms & Conditions OP

Description: Failed to include the hydrogen chloride leak in Unit B41P4CT1 on July 2, 2004 as a deviation in the August 24, 2004 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 48813, SC 1 PERMIT

O-02215 SC 11 OP

Description: Failed to prevent unauthorized emissions of 663 lbs of Carbon released on February 10, 2004 for approximately two minutes, which were not reported within 24 hours (reported in a deviation report submitted August 24, 2004).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20432, SC 2E PERMIT

Description: failed to equip 27 open-ended lines with a cap or plug within the operating areas of B19G1FU1, B23G2FU2, and B68ALFU1 between April 19, 2004 and April 18, 2005. Specifically, during the deviation reporting periods of April 19, 2004 to October 18, 2004 and October 19, 2004 to April 18, 2005 there were 27 deviations reported for open-ended lines in hazardous air pollutant ("HAP") and/or volatile organic compound ("VOC") service with no second valve, blind flange, cap, or plug.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20432, SC 3A PERMIT

Description: failed to conduct auditory, visual, and olfactory (AVO) checks one shift each day for Hydrogen Chloride and Chlorine leaks within the operating area of B68ALFU1 between August 14 and 18, 2004.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to monitor five valves in highly reactive VOC ("HRVOC") service during the second quarter of 2004.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20432, SC I-22C PERMIT

Description: Failed to convert in-stack concentrations of Carbon Monoxide emissions to pounds per hour ("lbs/hr") from scrubber B19G1T210 for the 3rd and 4th quarters of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit 7386, SC 1 PERMIT

Description: Exceeded the maximum allowable emission rate (MAER) for volatile organic compounds (VOC) during an avoidable emissions event at the Hydroxy Alkyl Acrylates Plant on December 23, 2004. Dow failed to close a valve after maintenance which resulted in an over pressurization, blown rupture disc, and release of 1,061 pounds (lbs) of propylene oxide from the VS-1 Scrubber. The duration was one hour and 45 minutes. The MAER for VOCs is 0.20 lbs per hour.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01388, SC 1A OP

Description: Failed to monitor 269 valves in Volatile Hazardous Air Pollutant ("VHAP") service in the Chemicals and Metals (1) area from February 3, 2004 to September 30, 2004, as reported during the deviation reporting period of August 3, 2004 to February 2, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01388, SC 1A OP

Description: Failed to equip 49 open-ended lines in the Chemicals and Metals (1) area with a second valve, blind flange, cap, or plug. Specifically, during the deviation reporting periods of February 3, 2004 to August 3, 2004 and August 3, 2004 to February 2, 2005, it was reported there were 11 open-ended lines in VHAP service on February 3, 2004, and 38 open-ended lines in VHAP service from August 17, 2004 to January 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(b)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01388, SC 1A OP

Description: Failed to conduct an annual Audio, Visual, and Olfactory ("AVO") inspection of the closed vent system in VHAP service in the Chemicals and Metals (1) area, as reported during the deviation reporting period of August 3, 2004 to February 2, 2005.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 48478, SC 2 PERMIT  
5339, SC 11 PERMIT  
5661, SC 6 PERMIT

Description: Failed to adequately maintain records regarding repairs and replacements done as a result of leaks documented during AVO inspections of the Chemicals and Metals (1) areas once per shift, as reported during the deviation reporting period of August 3, 2004 to February 2, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failed to operate within permit representations. Specifically, TCEQ Air Permit No. 5661 does not authorize chlorine emissions from the J-20 HCI absorber in the Chemicals and Metals (1) area (EPN B15V20), however, during the deviation reporting period of August 3, 2004 to February 2, 2005, unauthorized chlorine emissions from the J-20 HCI absorber were reported.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.994(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(d)

Rqmt Prov: 7531, SC 6 PERMIT  
O-02210, STC 10 OP

Description: Failed to establish minimum liquid to gas ("L/G") ratio for the operation of the scrubber (halogen reduction device) in the polycarbonate facility in the engineering thermoplastics unit during the performance test conducted on December 12, 2002. Without the L/G ratio established, compliance with the mass emission rate requirement of less than 0.45 kilograms per hour ("kg/hr") cannot be determined.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9000(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 46431, General Condition 8 PERMIT  
Permit 46431, SC 5 PERMIT

Description: Failed to comply with hydrogen chloride ("HCI") emissions limits of 0.40 pounds per hour ("lbs/hr") and 12.0 parts per million ("ppm") and Chlorine ("Cl2") emissions limits of 0.03 lbs/hr and failed to comply with the minimum destruction efficiency of 99.99% for volatile organic compounds (VOCs).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 22072, SC 4 PERMIT  
Title V O-02212, SC 1E OP  
Title V O-02212, SC 16 OP

Description: Failed to meet the flare requirements for 3 flares (EPN Nos. BSRF601, BSRFMW1T, and BSRFMNF). Specifically, Dow Chemical failed to monitor the flare pilots flames in order to maintain the continuous presence of a flame using a thermocouple or other equipment device which detects the presence of a flame.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 22072, SC 4 PERMIT  
NSR 22072, SC 5 PERMIT  
Title V O-02212, SC 16 OP  
Title V O-02212, SE 1E OP

Description: Failed to maintain the continuous presence of a flame on five occasions for three flares (EPN Nos.



BSRFMNF, BSRF601, and BSRFMW1T).

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Title V O-02212, SC 17 OP

Description: Failed to submit Permit by Rule ("PBR") notification (Form PI-7) within ten days following modifications to the brine process for the aromatic storage wells (EPN Nos. BSRPSR2 and BSRPR2L) in to Lake Warder and SR-2 (benzene brine ponds).

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 22072, SC 8F PERMIT

Title V Permit O-02212, SC 16 OP

Description: Failed to monitor 504 valves and 1,716 connectors in the fugitive emissions area (EPN No. BSRFUBRCK) during the third and fourth quarters of 2004, and the second quarter of 2005. The estimated amount of volatile organic compound ("VOCs") fugitive emissions during this time period of 273 days is 14.71 tons from the valves, and 2.82 tons from the connectors, for a combined total of 17.53 tons of VOCs. The permitted limit of VOCs from this EPN is 2.04 tons per year.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the deviation of failure to conduct fugitive emissions monitoring on 504 valves and 1,716 connectors in the fugitive area (EPN No. BSRFUBRCK) during the second quarter of 2005 in the deviation report dated August 5, 2005.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.208(d)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Title V O-02212, SC 1D OP

Description: Failed to check for proper operation of the engine (EPN No. BSRGE601) by recorded measurements of nitrogen oxide ("NOx") and carbon monoxide ("CO") emissions after engine maintenance was conducted on February 26, 2005.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(a)(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Title V O-02212, SC 1D OP

Description: Failed to include the specific rule citations for units with a claimed exemption from the emission specifications of 30 TEX. ADMIN. CODE § 117.206 in the final control report submitted March 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR Permit No. 834, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 3,401 lbs of the HRVOC ethylene were released from an inconel rupture disc in the Polyethylene #4 Unit (Incident 73950) during an emissions event that occurred on April 4, 2006 and lasted 6 minutes. These emissions are not authorized by the permit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. O-02215, SC 2.F. PERMIT

Description: Failed to report within 24 hours the emissions event of 663 lbs of Carbon released on February 10, 2004 for approximately two minutes. The regulated entity reported the event on a deviation report on August 24, 2004.

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Effective Date: 02/08/2009 ADMINORDER 2007-1981-AIR-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit No. 20432, SC C III PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 834, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 6932, SC1 PERMIT

Description: Failed to prevent unauthorized emissions.

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Effective Date: 06/01/2009 ADMINORDER 2008-0843-AIR-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Air Permit 20432, SC Chap III-1 PERMIT

Description: As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions during Incident No. 92204, in violation of Air Permit No. 20432/PSD-TX-994M1, Special Condition No. III-1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable and excessive the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 46431, SC 1 PERMIT

Description: As evidenced by Findings of Fact No. 7, the Respondent failed to prevent unauthorized emissions during Incident No. 92991, in violation of Air Permit No. 46431, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable and excessive the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during Incident No. 103332, in violation of Air Permit No. 7386, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions during Incident No. 103745, in violation of Air Permit No. 46431, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition Chapter III-1 PERMIT

Description: As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions during Incident No. 104544, in violation of Air Permit No. 20432/PSD-TX-994M1, Special Condition No. III-1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions during Incident No. 105191, in violation of Air Permit No. 834, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 10 PERMIT  
Special Condition 4B PERMIT

Description: As evidenced by Findings of Fact No. 10, the Respondent failed to prevent unauthorized emissions and maintain a flare flame during Incident No. 105644, in violation of Air Permit No. 8567, Special Condition Nos. 1, 4B, and 10, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2) and (c)(3)(ii), 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(1), and 101.221(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 9, the Respondent failed to prevent unauthorized emissions during Incident No. 105792, in violation of Air Permit No. 20909, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 11, the Respondent failed to prevent unauthorized emissions during Incident No. 106640, in violation of Air Permit No. 22072, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

8 Effective Date: 07/09/2009 ADMINORDER 2007-0923-AIR-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ FLEX AIR PERMIT #20432, III-1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit 20432, SC III-1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6803, Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, on December 29, 2006, Dow conducted a stack test on the 511 Heater (EPN B27S511) located in the B-2700 block of the Plant B Site. Test results showed emissions of NOX at 5.70 lbs/hr, while permitted emissions are 3.73 lbs/hr.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 7531, SC 2 PERMIT  
TCEQ Air Permit No. 7531, SC1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Air Flex Permit 20432, SC Gen Req 4 PERMIT  
Air Flex Permit 20432, SC, Chap III-1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
5C THSC Chapter 382 382.0518(a)

Description: Failure to cease unauthorized emissions. Specifically, during an emissions event on March 8, 2007, emergency vents in the Polyethylene 4 Unit, with no authorization to emit, emitted 802 lbs of ethylene and 700 lbs of carbon over a one minute period.

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Effective Date: 08/31/2009 ADMINORDER 2008-1723-AIR-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 834, SC 1 PERMIT

Description: Failed to prevent avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition Chapter III - 1 PERMIT

Description: the unauthorized release of 86 lbs of acetylene, 12,491 lbs of ethylene, 2,923 lbs of ethane, 12,226 lbs of propylene, 5,859 lbs of propane, 1,088 lbs of 1,3 butadiene, 91 lbs of cis 2-butene, 29,563 lbs of CO, 4,093 lbs of NOx, 81 lbs of isobutane, 235 lbs of n-butane, 352 lbs of trans 2-butene, 1,474 lbs of benzene, 2,337 lbs of toluene, 302 lbs of hexane, 452 lbs of isobutylene, 529 lbs of isopentane, 716 lbs of n-pentane and 331 lbs of 1-butene from Elevated Flare (F1) and Ground Flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC Ch III-1 PERMIT

Description: Dow failed to prevent an avoidable emissions event. As a result unauthorized emissions of, 1.00 lbs of benzene; 1.00 lbs of 1,3-butadiene; 1,064.00 lbs of ethylene; 770.00 lbs of carbon monoxide; 107.00 lbs of nitrogen oxides and 9.00 lbs of other chemicals were released to the atmosphere through Flare - FS1.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 751.90 lbs of ethylene oxide was released from the Wastewater Treatment Plant THROX (B35EWS200); 3.00 lbs of ethylene oxide was from the R-100 Reactor (EPN B35V100); and 3.00 lbs of ethylene oxide was released from the R-110 Reactor (EPN B35V110) to the atmosphere. Dow's permit did not authorize the release. Consequently, this represents a significant deviation from the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. As a result, 1,244.00 lbs of ethylene was released from the Polyethylene 4 Reactor, Train 1, Program 3 Valve to the atmosphere. Dow's permit did not authorize the release from the Program 3 Valve. Consequently, this represents a significant deviation from the permit.

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Effective Date: 11/27/2009 ADMINORDER 2008-1555-IHW-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(1)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(ii)(A)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)

Rqmt Prov: Permit Provision (PP) V-I-3-b and d PERMIT

Description: Failed to meet the regulatory limit for stack gas concentration of carbon monoxide ("CO") while burning hazardous waste in Boiler FTB-210 (Notice of Registration Unit 154), as documented an investigation conducted on July 29, 2008. Specifically, ten occurrences were documented during a period from March 30, 2008 through April 21, 2008, when the CO concentration exceeded 100 ppm associated with the automatic waste feed cutoff ("AWFCO") system.

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)

Rqmt Prov: Permit Provision (PP) V-I-3-b and d PERMIT

Description: Failed to maintain the minimum permitted liquid to gas ratio ("L/G") of the wet scrubbers, as documented during an investigation conducted on July 29, 2008. Specifically, records for Boiler FTB-603 indicated five excursions with respect to the permitted L/G minimum ratio for the scrubber system.

- 11 Effective Date: 04/11/2010 ADMINORDER 2009-1251-AIR-E (Findings Order)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
 Special Term and Condition 16 OP  
 Description: Failed to maintain an emission rate below the allowable limit for propylene from the Site Functions 1 Area. TCEQ staff documented the exceedance of the permitted propylene emission limit of 4.05 pounds per hour ("lbs/hr") from the Site Functions 1 Area on June 23-24, 2008 and July 13, 2008, totaling 42.74 lbs of propylene in excess of permitted limits.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Term and Condition 16 OP  
 Special Term and Condition 1A OP  
 Description: Failed to conduct LDAR on 78 components in VOC service. TCEQ staff documented that quarterly Leak Detection and Repair ("LDAR") had not been conducted on 44 connectors and seven valves in Unit A22FUST from October 16, 2003 through March 31, 2008 and 27 valves in Unit A28FUST from February 5, 2007 through October 14, 2008.  
 Classification: Major  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition, Chapter III-1 PERMIT  
 Description: Failed to maintain an emission rate below the allowable limit for propylene from the Site Functions 1 Area. TCEQ staff documented the unauthorized release of 11,521 pounds ("lbs") of carbon monoxide, 1,595 lbs of nitrogen oxides, and 12,209 lbs of volatile organic compounds ("VOCs"), including 8,859 lbs of highly reactive VOCs, exceeded permit hourly limits due to the Light Hydrocarbons-8 failure to eliminate non-condensables from the Propylene Refrigeration System causing high pressure in the C
- 12 Effective Date: 10/25/2010 ADMINORDER 2010-0477-AIR-E (Findings Order)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition Chapter III - 1 PERMIT  
 Description: Dow failed to prevent unauthorized emissions during Incident No. 134215. Dow's operating discipline and unit freeze plan did not establish a minimum instrument air dewpoint for the system operating at freezing ambient temperatures.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition Chapter III-1 PERMIT  
 Description: Dow failed to prevent unauthorized emissions. A vendor's employee did not verify that the proper gas was unloaded from the truck, and did not verify that the correct carrier gas was connected. Dow's employee did not escort the vendor nor verify his work.
- 13 Effective Date: 03/07/2011 ADMINORDER 2010-1279-AIR-E (1660 Order)  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: Special Condition 1 PERMIT  
 Description: Dow failed to prevent unauthorized emissions during Incident No. 137259.
- 14 Effective Date: 05/08/2011 ADMINORDER 2010-1450-AIR-E (1660 Order)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an application for renewal prior to expiration of a permit and continued to operate the Plant without authorization after the permit expired. Specifically, the Respondent failed to renew Standard Permit No. 43417 before the permit expiration date of February 16, 2010, as documented during a record review investigation conducted on September 1, 2010.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THSC Chapter 382 382.0518(a)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an application for renewal prior to the expiration of a permit and continued to operate the Plant without authorization after the permit expired. Specifically, the Respondent failed to renew New Source Review ("NSR") Permit No. 9046 before the permit expiration date of July 21, 2010, as documented during a record review investigation conducted on September 1, 2010.

15 Effective Date: 05/22/2011 ADMINORDER 2010-1781-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 4(B) PERMIT

Description: Dow failed to keep the emissions capture equipment and abatement equipment in operation when emissions were routed to it during Incident No. 141646.

16 Effective Date: 08/13/2011 ADMINORDER 2011-0051-AIR-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC Chap III-1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 143416. Dow failed to maintain communications at the operator work stations during a startup. Dow also failed to maintain the operations of the ST-10 turbine during the startup.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC Chapter III-1 PERMIT

Description: Failure to prevent unauthorized emissions during Incident No. 144990. Dow failed to prevent the flaring of off-spec ethylene, when impure hydrogen was being supplied to the internal header system that supplies LHC-7.

17 Effective Date: 11/18/2011 ADMINORDER 2011-0581-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to obstruction of the filter screen on the oil supply to the oil driven Speed Governor Valve that regulates the compressor speed. Subcategory: A12(i)(6).

18 Effective Date: 06/08/2012 ADMINORDER 2011-1123-AIR-E (1660 Order)

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(1)

5C THSC Chapter 382 382.085(b)

Description: Failed to incorporate Permit by Rule ("PBR") 30 Tex. Admin. Code § 106.263 in Federal Operating Permit ("FOP") No. 02217, as documented during an investigation conducted on April 14, 2011.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)

5C THSC Chapter 382 382.085(b)

Description: Failed to maintain records to demonstrate compliance with PBR 30 Tex. Admin. Code § 106.263 for maintenance activities performed on Refrigeration Unit 7001 from June 7 through June 30, 2010, as documented

during an investigation conducted on April 14, 2011.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O2217, Spec Terms & Cond 16 OP

SPECIAL CONDITION 1 PERMIT

Description: Failed to comply with the annual allowable emissions rate (based on a rolling 12-month period), as documented during an investigation conducted on April 14, 2011. Specifically, in December 2009 and December 2010, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling allowable emissions rate of 5.10 tons per year ("tpy") and exceeded the nitrogen oxides ("NOx") 12-month rolling allowable emissions rate of 1.68 tpy at the Marine Unloading Flare, EPN A35F1, resulting in the unauthori

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an administratively complete emissions inventory for calendar year 2009, as documented during an investigation conducted on April 14, 2011. Specifically, the 2009 emissions inventory did not include emissions for three diesel engine pumps: Emissions Point Numbers ("EPN") A40S836A, A40S836B, and A40S836C.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 16 OP

SPECIAL CONDITION 2 PERMIT

Description: Failed to comply with the annual throughput rates for Tank Nos. TM-3 and T-4044, as documented during an investigation conducted on April 14, 2011. Specifically, the annual throughput for Tank No. TM-3 is limited to 53,129,080 pounds ("lbs"), and the tank throughput was 67,861,993 lbs in 2009 and 87,595,298 lbs in 2010. The annual throughput for Tank No. T-4044 is limited to 60,428,990 lbs, and the tank throughput was 121,947,551 lbs in 2009 and 114,817,995 lbs in 2010. In 2009, annual volati

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(1)  
5C THSC Chapter 382 382.085(b)

Description: Failed to make an accurate representation regarding Tank No. A30CMST3 in the application for FOP No. O2217, as documented during an investigation conducted on April 14, 2011. Specifically, FOP No. O2217 representation indicates that Tank No. A30CMST3 is subject to 40 Code of Federal Regulations Part 60, Subpart Kb; however, the tank is not subject to this rule.

19 Effective Date: 08/02/2012 ADMINORDER 2011-2269-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

ST&C 11 OP

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 6803, Special Conditions No. 1, and Federal Operating Permit No. O2215, Special Terms & Conditions No. 11, as documented during a record review conducted from September 29 through October 8, 2011. Specifically, the Respondent released 2,544 pounds of ethylene from the Polyethylene 3 unit during an avoidable emissions event (Incident No. 1

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A

## D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 28, 2007	(564652)
Item 2	October 03, 2007	(573174)
Item 3	October 04, 2007	(594925)
Item 4	October 10, 2007	(566738)
Item 5	October 11, 2007	(567653)
Item 6	October 12, 2007	(571215)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

Item 7	October 15, 2007	(567828)
Item 8	October 17, 2007	(601685)
Item 9	October 18, 2007	(569770)
Item 10	October 25, 2007	(594923)
Item 11	October 26, 2007	(570354)
Item 12	November 02, 2007	(574293)
Item 13	November 05, 2007	(595620)
Item 14	November 07, 2007	(573328)
Item 15	November 09, 2007	(596374)
Item 16	November 15, 2007	(597987)
Item 17	November 19, 2007	(619609)
Item 18	November 26, 2007	(567381)
Item 19	November 27, 2007	(570515)
Item 20	November 28, 2007	(568431)
Item 21	November 30, 2007	(596467)
Item 22	December 04, 2007	(596985)
Item 23	December 07, 2007	(573480)
Item 24	December 12, 2007	(602163)
Item 25	December 13, 2007	(573122)
Item 26	December 18, 2007	(619610)
Item 27	December 20, 2007	(598138)
Item 28	December 21, 2007	(567605)
Item 29	January 09, 2008	(597713)
Item 30	January 17, 2008	(595617)
Item 31	January 24, 2008	(614965)
Item 32	January 30, 2008	(613449)
Item 33	January 31, 2008	(613922)
Item 34	February 06, 2008	(616278)
Item 35	February 11, 2008	(615351)
Item 36	February 13, 2008	(566562)
Item 37	February 21, 2008	(672136)
Item 38	February 27, 2008	(613204)
Item 39	March 10, 2008	(617583)
Item 40	March 13, 2008	(614400)
Item 41	March 18, 2008	(615813)
Item 42	April 03, 2008	(618253)
Item 43	April 04, 2008	(638867)
Item 44	April 15, 2008	(510759)
Item 45	April 16, 2008	(617688)
Item 46	April 21, 2008	(646462)
Item 47	April 23, 2008	(653894)
Item 48	May 02, 2008	(640190)
Item 49	May 06, 2008	(637948)
Item 50	May 15, 2008	(640191)
Item 51	May 16, 2008	(638424)
Item 52	May 17, 2008	(657073)
Item 53	May 20, 2008	(690043)
Item 54	May 21, 2008	(640193)
Item 55	May 23, 2008	(639898)
Item 56	June 05, 2008	(682036)
Item 57	June 10, 2008	(646379)
Item 58	June 13, 2008	(682091)
Item 59	June 16, 2008	(690044)
Item 60	June 25, 2008	(681430)
Item 61	June 30, 2008	(669890)
Item 62	July 03, 2008	(683481)
Item 63	July 07, 2008	(618795)
Item 64	July 18, 2008	(686024)
Item 65	July 21, 2008	(687078)
Item 66	July 23, 2008	(687195)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.



Item 67	July 30, 2008	(686426)
Item 68	August 04, 2008	(687176)
Item 69	August 07, 2008	(680041)
Item 70	August 08, 2008	(688099)
Item 71	August 15, 2008	(710823)
Item 72	August 22, 2008	(636773)
Item 73	August 27, 2008	(636747)
Item 74	August 29, 2008	(701063)
Item 75	September 10, 2008	(702501)
Item 76	September 23, 2008	(710824)
Item 77	October 02, 2008	(681432)
Item 78	October 09, 2008	(703861)
Item 79	November 18, 2008	(706502)
Item 80	November 19, 2008	(727541)
Item 81	December 05, 2008	(670691)
Item 82	December 08, 2008	(688084)
Item 83	December 16, 2008	(750355)
Item 84	January 15, 2009	(707626)
Item 85	January 20, 2009	(707895)
Item 86	January 29, 2009	(722822)
Item 87	January 30, 2009	(708374)
Item 88	February 03, 2009	(723666)
Item 89	February 10, 2009	(726245)
Item 90	February 13, 2009	(721115)
Item 91	February 17, 2009	(726413)
Item 92	February 18, 2009	(750352)
Item 93	March 03, 2009	(726864)
Item 94	March 10, 2009	(724362)
Item 95	March 11, 2009	(708431)
Item 96	March 13, 2009	(750353)
Item 97	March 17, 2009	(684690)
Item 98	March 19, 2009	(702111)
Item 99	March 23, 2009	(738607)
Item 100	April 06, 2009	(725607)
Item 101	April 16, 2009	(737836)
Item 102	April 20, 2009	(724370)
Item 103	April 22, 2009	(742156)
Item 104	April 23, 2009	(724372)
Item 105	April 24, 2009	(724369)
Item 106	April 27, 2009	(742142)
Item 107	May 20, 2009	(768419)
Item 108	May 26, 2009	(739079)
Item 109	May 27, 2009	(741025)
Item 110	May 28, 2009	(736749)
Item 111	June 05, 2009	(703325)
Item 112	June 11, 2009	(768420)
Item 113	June 15, 2009	(745452)
Item 114	July 09, 2009	(761495)
Item 115	July 22, 2009	(763032)
Item 116	July 24, 2009	(747246)
Item 117	July 27, 2009	(738993)
Item 118	July 31, 2009	(804862)
Item 119	August 04, 2009	(761464)
Item 120	August 06, 2009	(724363)
Item 121	August 11, 2009	(740758)
Item 122	August 12, 2009	(761394)
Item 123	August 20, 2009	(804863)
Item 124	September 04, 2009	(761102)
Item 125	September 22, 2009	(804864)
Item 126	September 24, 2009	(777334)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

Item 127	October 06, 2009	(765800)
Item 128	October 09, 2009	(766603)
Item 129	October 12, 2009	(767413)
Item 130	October 14, 2009	(779037)
Item 131	October 15, 2009	(746875)
Item 132	October 19, 2009	(804865)
Item 133	October 28, 2009	(746879)
Item 134	November 18, 2009	(767570)
Item 135	November 30, 2009	(767571)
Item 136	December 03, 2009	(778761)
Item 137	December 10, 2009	(784555)
Item 138	December 11, 2009	(784729)
Item 139	December 14, 2009	(767533)
Item 140	December 15, 2009	(784097)
Item 141	December 28, 2009	(786681)
Item 142	January 06, 2010	(780356)
Item 143	January 19, 2010	(804868)
Item 144	January 25, 2010	(782608)
Item 145	January 26, 2010	(783566)
Item 146	February 03, 2010	(788653)
Item 147	February 09, 2010	(789348)
Item 148	February 11, 2010	(789488)
Item 149	February 17, 2010	(789487)
Item 150	February 19, 2010	(789491)
Item 151	February 22, 2010	(789345)
Item 152	February 23, 2010	(789490)
Item 153	March 03, 2010	(784740)
Item 154	March 17, 2010	(789346)
Item 155	March 22, 2010	(830960)
Item 156	March 30, 2010	(767542)
Item 157	March 31, 2010	(790100)
Item 158	April 02, 2010	(789347)
Item 159	April 05, 2010	(790092)
Item 160	April 08, 2010	(794302)
Item 161	April 09, 2010	(790086)
Item 162	April 12, 2010	(790080)
Item 163	April 15, 2010	(790078)
Item 164	April 16, 2010	(830961)
Item 165	April 21, 2010	(790102)
Item 166	May 07, 2010	(797403)
Item 167	May 10, 2010	(798066)
Item 168	May 12, 2010	(800460)
Item 169	May 17, 2010	(798932)
Item 170	May 19, 2010	(799233)
Item 171	May 20, 2010	(797395)
Item 172	May 26, 2010	(802223)
Item 173	June 11, 2010	(799638)
Item 174	June 14, 2010	(824802)
Item 175	June 16, 2010	(801231)
Item 176	June 17, 2010	(824465)
Item 177	June 18, 2010	(801241)
Item 178	June 24, 2010	(801544)
Item 179	June 25, 2010	(799641)
Item 180	June 28, 2010	(802835)
Item 181	July 07, 2010	(828931)
Item 182	July 09, 2010	(803093)
Item 183	July 12, 2010	(828930)
Item 184	July 14, 2010	(827163)
Item 185	July 21, 2010	(842057)
Item 186	July 23, 2010	(803101)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

Item 187	July 24, 2010	(860887)
Item 188	July 28, 2010	(802837)
Item 189	August 12, 2010	(803144)
Item 190	August 19, 2010	(824878)
Item 191	August 20, 2010	(826373)
Item 192	August 23, 2010	(866857)
Item 193	September 03, 2010	(827135)
Item 194	September 07, 2010	(826569)
Item 195	September 10, 2010	(828111)
Item 196	September 18, 2010	(873926)
Item 197	October 05, 2010	(848874)
Item 198	October 08, 2010	(848876)
Item 199	October 12, 2010	(850106)
Item 200	October 14, 2010	(857749)
Item 201	October 19, 2010	(865702)
Item 202	October 20, 2010	(857947)
Item 203	October 28, 2010	(858061)
Item 204	October 29, 2010	(857950)
Item 205	November 01, 2010	(844915)
Item 206	November 05, 2010	(844901)
Item 207	November 08, 2010	(871865)
Item 208	November 09, 2010	(866686)
Item 209	November 15, 2010	(888052)
Item 210	December 06, 2010	(858073)
Item 211	December 16, 2010	(858064)
Item 212	December 23, 2010	(864695)
Item 213	January 03, 2011	(886741)
Item 214	January 05, 2011	(887237)
Item 215	January 20, 2011	(880092)
Item 216	January 26, 2011	(858057)
Item 217	January 27, 2011	(866395)
Item 218	February 01, 2011	(891718)
Item 219	February 07, 2011	(887922)
Item 220	February 08, 2011	(887902)
Item 221	February 09, 2011	(877393)
Item 222	February 16, 2011	(909112)
Item 223	February 24, 2011	(877954)
Item 224	March 02, 2011	(886566)
Item 225	March 04, 2011	(887744)
Item 226	March 31, 2011	(890913)
Item 227	April 06, 2011	(908529)
Item 228	April 07, 2011	(906237)
Item 229	April 20, 2011	(900011)
Item 230	April 25, 2011	(899436)
Item 231	May 11, 2011	(899440)
Item 232	May 19, 2011	(938051)
Item 233	June 13, 2011	(945419)
Item 234	June 24, 2011	(908598)
Item 235	July 01, 2011	(936448)
Item 236	July 08, 2011	(914054)
Item 237	July 19, 2011	(923035)
Item 238	July 22, 2011	(936842)
Item 239	August 16, 2011	(922596)
Item 240	August 22, 2011	(899754)
Item 241	August 23, 2011	(949740)
Item 242	August 24, 2011	(959331)
Item 243	August 31, 2011	(948288)
Item 244	September 15, 2011	(965364)
Item 245	October 19, 2011	(971403)
Item 246	November 16, 2011	(977561)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

Item 247	December 09, 2011	(970299)
Item 248	December 15, 2011	(970613)
Item 249	December 16, 2011	(984331)
Item 250	December 19, 2011	(970662)
Item 251	December 20, 2011	(971102)
Item 252	January 05, 2012	(970635)
Item 253	January 18, 2012	(970657)
Item 254	January 24, 2012	(980403)
Item 255	February 01, 2012	(969281)
Item 256	February 14, 2012	(987436)
Item 257	February 16, 2012	(987704)
Item 258	February 17, 2012	(987272)
Item 259	February 21, 2012	(997990)
Item 260	February 24, 2012	(971185)
Item 261	February 27, 2012	(988947)
Item 262	March 19, 2012	(1003517)
Item 263	April 03, 2012	(993988)
Item 264	April 13, 2012	(993681)
Item 265	April 18, 2012	(1010082)
Item 266	April 24, 2012	(995660)
Item 267	April 25, 2012	(994686)
Item 268	May 01, 2012	(996737)
Item 269	May 04, 2012	(997785)
Item 270	May 11, 2012	(994143)
Item 271	May 15, 2012	(989453)
Item 272	May 18, 2012	(948856)
Item 273	May 22, 2012	(994688)
Item 274	May 24, 2012	(994684)
Item 275	June 08, 2012	(1007990)
Item 276	June 15, 2012	(1024195)
Item 277	June 20, 2012	(1008522)
Item 278	June 21, 2012	(1008508)
Item 279	June 25, 2012	(1009180)
Item 280	June 28, 2012	(1015072)
Item 281	July 02, 2012	(1013035)
Item 282	July 18, 2012	(1009237)
Item 283	July 30, 2012	(1013952)
Item 284	August 07, 2012	(996853)
Item 285	August 09, 2012	(1015142)
Item 286	August 15, 2012	(1001054)
Item 287	September 14, 2012	(1008318)
Item 288	September 18, 2012	(1031360)

#### Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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Date:	10/28/2011	(952189)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PA Special Term & Condition 21 OP		
Description:	Failure to prevent unauthorized emissions.		
- 2
 

Date:	12/13/2011	(963949)	CN600356976
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1) 5C THSC Chapter 382 382.085(b)		

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

## NSR 18561 PERMIT

O-02203 OP

Description: Failure to perform quarterly monitoring of one pump in VOC service for two consecutive quarters. (Category C1)

3

Date: 01/11/2012 (963954)

CN600356976

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
5C THSC Chapter 382 382.085(b)

Description: Failure to continuously operate the HRVOC flow monitoring system for Unit ID B21CT960 at least 95% of the total operating time. (Category B19(g)(1))

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Requirement 2E PERMIT  
Special Term and Condition 18 OP  
Special Term and Condition 1A OP

Description: Failure to maintain a cap, plug, blind flange, or a second valve on all open ended lines. (Category C10)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
General Requirement 4 PERMIT  
Special Condition 16A PERMIT  
Special Condition 16B PERMIT  
Special Term and Condition 18 OP  
Special Term and Condition 1A OP

Description: Failure to maintain pilots continuously on a flare (Unit ID B70PDF801) on 9/19/2011. (Category B19(g)(1))

4

Date: 02/27/2012 (970639)

CN600356976

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 1-9 B PERMIT  
ST&C 17 OP

Description: Failure to maintain scrubber EPN: B39SV173 DRE requirements of NSR Permit 20432 SC 1-9B on September 17, 2011. This is a category C4 violation.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 1-9 B PERMIT  
ST&C 17 OP

Description: Failure to maintain scrubber EPN: B52T700 DRE requirements of NSR Permit 20432 SC 1-9B on August 25, 2011. This is a category C4 violation.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC6 PERMIT  
ST&C 17 OP

Description: Failure to monitor six components in light liquid service as required by NSR 3434 SC6, at the process fugitives OCD3FU and B39GMFU1 areas on October 1, 2010. This is a category C1 violation.

5

Date: 03/01/2012 (987285)

CN600356976

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP OP  
NSR PERMIT

Description: Failure to prevent the occurrence of open-ended lines. (Category C10)

6      Date:      04/02/2012      (989385)      CN600356976  
Self Report?      NO      Classification:      Minor  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition (SC) 6J PERMIT  
Special Terms and Conditions (ST&C) 8 OP  
Description:      Failure to document weekly AVO inspections on two separate instances. [Category C3]

7      Date:      04/17/2012      (970659)      CN600356976  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11E PERMIT  
STC 1A and 11 OP  
Description:      Failure to equip an open ended valve with a cap, blind flange, plug, or a second valve in the B27P3FU1 area on February. (Category C10 Violation)  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Condition 11F PERMIT  
STC 1A and 11 OP  
Description:      Failure to monitor and document weekly disc integrity at the EPN B27P3FU1 area on January 3-9, 2011. (Category C3 Violation)  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Conditions 11F and 11G PERMIT  
STC 1A and 11 OP  
Description:      Failure to monitor 135 fugitive components at the A/B Train and Tank farm fugitives (EPN B27P3FU1) from October 1, 2010 through March 31, 2011. (Category B1 Violation)  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 18 PERMIT  
STC 1A and 11 OP  
Description:      Failure to inspect filtered vents EPNs B41P4SPFDD1, B41P4SPFDD2, B41P4SPFDD3, and B41P4SPFDD4 daily from October 1, 2010 through March 31, 2011. (Category B1 Violation)  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 4B PERMIT  
STC 1A and 11 OP  
Description:      Failure to operate flare EPN B45P4F1 with a flame present at all times on May 10, 2011. (Category C3 Violation)

8      Date:      04/17/2012      (970892)      CN600356976  
Self Report?      NO      Classification:      Minor  
Citation:      30 TAC Chapter 115, SubChapter C 115.213(b)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description:      Failure to submit notification of a new VOC loading rack within 30 days after installation. [Category C3]  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description:      Failure to maintain the required minimum net heating value on the flare.

[Category B18]

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 SC 4.B. PERMIT  
 STC 13 OP  
 Description: Failure to keep the flare pilot flame lit at all times. [Category C4]

9 Date: 04/23/2012 (989111) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 SC 7A PERMIT  
 ST&C 9 OP  
 Description: Failure to meet Btu/scf requirements on Flare (EPN: A26F1). (Category C4).

10 Date: 04/30/2012 (1016473) CN600356976  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

11 Date: 06/01/2012 (1007877) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 OP  
 Special Condition 8.H PERMIT  
 Description: Failure to repair a leaking component within 15 days. (Category C4 Violation)

12 Date: 06/15/2012 (989374) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14(E) PERMIT  
 Special Terms & Conditions 16 OP  
 Special Terms & Conditions 1A OP  
 Description: Failure to seal open-ended valves or lines with a cap, blind flange, plug or a second valve.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms & Conditions 3(B) OP  
 Description: Failure to prevent visible emissions greater than 20% opacity from a stationary vent. (Category C.4)

13 Date: 06/30/2012 (1031588) CN600356976  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

14 Date: 07/10/2012 (1008516) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions (ST&C) 1A OP  
 Description: Failure to maintain the pyrolysis furnace H-1 (B72L7HH1) from exceeding 400 ppm 24 hr rolling average CO limit. (Category C4)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition General Requirement 1E PERMIT  
 ST&C 1A OP  
 ST&C 24 OP

Description: Failure to seal 4 open-ended lines. (Category C10)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 SC General Requirement 4 PERMIT  
 ST&C 24 OP

Description: Failure to maintain the flare (B60L7F1) above 300 BTU/scf. (Category C4)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)  
 30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions 1A OP

Description: Failure to monitor one difficult-to-monitor (DTM) component. (Category C1)

15 Date: 07/10/2012 (1013868) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(1)(I)  
 5C THSC Chapter 382 382.085(b)  
 Description: Dow failed to include authorization for emissions in the initial and final reports for incident 167407. C3

16 Date: 07/26/2012 (989644) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 11 OP  
 Description: Failure to properly represent construction plans of piping changes in the PGA/IPG Plant for the project under PBR Registration 98805

17 Date: 08/24/2012 (1007925) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01388 Special Term & Condition 1A OP  
 NSR Permit 2606 Special Condition 12 PERMIT  
 Description: Failure to monitor fugitive components. (CATEGORY C1 Violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(3)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01388 Special Term & Condition 1A OP  
 FOP O-01388 Special Term & Condition 20 OP  
 NSR Permit 5340 Special Condition 13E PERMIT  
 Description: Failure to prevent open-ended line. (CATEGORY C10 Violation)

18 Date: 08/28/2012 (957638) CN600356976  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 3(A)(iv)(1) OP  
 Description: Failure to conduct a visible emission observation for the kiln auxiliary drive engine (EPN B33INGEAUX) in the first quarter of 2011 [Category C1 violation]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)  
 5C THSC Chapter 382 382.085(b)



Special Condition 24(B)(2) PERMIT  
STC 11 OP  
STC 17 OP

Description: Failure to conduct an Absolute Calibration Audit on the B-824 CEMS unit during the second quarter of 2011 [Category C1 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)  
5C THSC Chapter 382 382.085(b)  
STC 11 OP  
STC 1A OP

Description: Failure to document weekly audio, visual, and olfactory inspections of pumps in HAP service [Category C3 violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9040(b)  
5C THSC Chapter 382 382.085(b)  
STC 11 OP

Description: Failure to meet the minimum pH in the scrubber (B34VMT0210) when MACT NNNNN vents were routed to the scrubber [Category C4 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2374(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(k)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9025(a)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(1)(i)  
5C THSC Chapter 382 382.085(b)  
STC 11 OP

Description: Failure to collect valid days of data for the flameless thermal oxidizer (EPN B34VMT0210) [Category C3 violation]

#### F. Environmental audits:

Notice of Intent Date: 04/02/2007 (557536)  
Disclosure Date: 10/11/2007  
Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
30 TAC Chapter 115, SubChapter D 115.352(1)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(2)(iii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1035  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346

Rqmt Prov: PERMIT NSR Permit 18950  
PERMIT NSR Permit 19720  
PERMIT NSR Permit 19792  
PERMIT NSR Permit 22070  
PERMIT NSR Permit 22071  
PERMIT NSR Permit 48892

Description: Failure to monitor several components in the Marine and Terminal Operations.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to included missed monitored components in EIQ.  
Viol. Classification: Minor  
Citation: 1 THC Chapter 1 1.001(a)  
Rqmt Prov: PERMIT Title V Permit O-02217

Description: Failure to include missed monitored components on Title V Deviation Report.

Notice of Intent Date: 04/02/2007 (557547)  
Disclosure Date: 10/11/2007  
Viol. Classification: Moderate

Citation: 1 THC Chapter 1 1.001(a)  
30 TAC Chapter 115, SubChapter B 115.132(a)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(c)

Description: Failure to monitor components in B-52 Epoxy.  
Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10  
Description: Failure to include missed monitored components in EIQ.  
Viol. Classification: Minor  
Rqmt Prov: PERMIT Title V Operating Permit O-02207  
Description: Failure to include missed monitored components in Title V report.

Notice of Intent Date: 04/16/2007 (558628)  
Disclosure Date: 11/04/2007  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1035(b)  
Rqmt Prov: PERMIT NSR 1472  
Description: Failure to monitor specific components.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10  
Description: Failure to include missed monitored components on emissions inventory report.  
Viol. Classification: Minor  
Rqmt Prov: PERMIT O-2220  
Description: Failure to include missed monitored components on emissions inventory report.

Notice of Intent Date: 04/19/2007 (558652)  
Disclosure Date: 04/24/2008  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1035(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)  
Description: Failure to monitor 49 valves, 186 connectors and 1 pump under a prescribed LDAR program.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10  
Description: Failure to report missed monitored components in emissions calculations.  
Viol. Classification: Minor  
Rqmt Prov: PERMIT Title V Permit O-02211  
Description: Failure to include missed monitored components in Title V deviation report.

Notice of Intent Date: 04/20/2007 (558658)  
Disclosure Date: 11/16/2007  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(2)(D)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)(1)  
Description: Failure to monitor specific components.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10  
Description: Failure to include missed monitored components in emissions inventory report.  
Viol. Classification: Minor  
Rqmt Prov: PERMIT O-2213  
Description: Failure to include missed monitored components on Title V deviation report.

Notice of Intent Date: 04/18/2007 (558712)  
Disclosure Date: 04/24/2008  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1062(b)(3)  
40 CFR Part 60, Subpart VV 60.482-8  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.243-2(b)(3)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

Description: Failure to monitor 110 valves and 567 connectors under a prescribed LDAR program.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report emission calculations for missed monitored components.

Viol. Classification: Minor

Rqmt Prov: PERMIT Title V Permit O-02211

Description: Failure to include missed monitored components in Title V deviation reports.

Notice of Intent Date: 04/20/2007 (558725)

Disclosure Date: 11/16/2007

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 115, SubChapter D 115.354(2)(D)

30 TAC Chapter 115, SubChapter H 115.781(b)

30 TAC Chapter 115, SubChapter H 115.781(b)(8)

30 TAC Chapter 115, SubChapter H 115.781(f)

Description: Failure to monitor specific components under a prescribed Leak Detection and Repair Program.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report emission calculations for missed monitored components.

Viol. Classification: Minor

Rqmt Prov: PERMIT O-2213

Description: Failure to include missed monitored components in Title V deviation report.

Notice of Intent Date: 04/18/2007 (558733)

Disclosure Date: 04/24/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Part 60, Subpart VV 60.482-8

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

Rqmt Prov: PERMIT NSR 46428

Description: Failure to monitor 42 valves and 291 connectors under a prescribed LDAR program.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report emissions calculations for missed monitored components.

Viol. Classification: Minor

Rqmt Prov: PERMIT Title V Permit O-02211

Description: Failure to include missed monitored components in Title V deviation report.

Notice of Intent Date: 10/02/2007 (598845)

No DOV Associated

Notice of Intent Date: 10/25/2007 (600864)

Disclosure Date: 02/27/2009

Viol. Classification: Moderate

Rqmt Prov: PERMIT IHW Storage Permit 50161

Description: Failure to maintain a service schedule for the calibration of the thermocouples, pressure sensors, and flow sensors on the F-210.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)

Description: The system response for periods of failure of the data historian is inadequate as shown by gaps in the operating records, for F-210 and FTB-603, for periods of time when the primary data historian is not functioning.

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iv)

Description: Inspection of the weekly AWFCO records from May 2008 through September 2008 for F-210 indicates that some weekly inspections exceeded seven days.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)

Description: Lack of Hazardous Organic NESHAP (HON) Start-up, Shutdown and Malfunction Plan (SSMP) records.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(g)

Description: B70F1 glare (FS-101) can receive halogenated vent streams and is incorrectly listed as a HON control device in the Notification of Compliance Status submitted 09/10/1997.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(C)(ii)  
Rqmt Prov: PERMIT IHW Storage Permit 50161

Description: Ash feed rate is not being monitored or recorded for FTB-603 and F-210.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)

Description: Data for total chloride/chlorine feed rate is not being transferred to the historical data server for long term storage.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(6)

Description: One minute averages for some parameters are not being recorded in the BIF data files as per the parameters listed in Table V.I.2. of the RCRA permit for FTB-603.  
Viol. Classification: Minor  
Rqmt Prov: PERMIT IHW Storage Permit 50161

Description: The daily inspection forms for F-210 and FTB-603 do not have an entry for inspecting for "External corrosion that may affect integrity".  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT IHW 50106

Description: Several of the FTB-603 AWFCO parameters are not included, such as scrubber L/G, scrubber pH, scrubber blowdown, etc., in the annual AWFCO function test. Two BIF parameters (combustion chamber temperature and combustion air flow) are included but are tested on a two year frequency instead of annual.  
Viol. Classification: Minor  
Rqmt Prov: PERMIT Flexible Air Permit 20432  
PERMIT IHW Storage Permit 50161

Description: Records for the 4Q07, calibration error (CE) test, and the 1Q07, 2Q07, 3Q07 quarterly CGA test for FTB-603 could not be located. Records for the 1Q06 and 2Q07, calibration error (CE) tests and the 1Q07, 2Q07, 3Q07, 1Q08, 2Q08, 3Q08 quarterly CGA tests for F-210 could not be located.  
Viol. Classification: Moderate  
Citation: 2E THSC Chapter 101, SubChapter B 101.001  
Rqmt Prov: PERMIT IHW Storage Permit 50161

Description: Loss of the fan on FTB-603 is not included in the AWFCO tests.  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT Flexible Permit 20432

Description: Failure to fully complete all stack testing at FTB-603 and F-210.  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT Flexible Permit 20432

Description: Lack of historical data recording individual flow rate data for each waste stream feeding F-210 and FTB-603.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102  
Rqmt Prov: PERMIT IHW Storage Permit 50161

Description: For FTB-603 and F-210, hazardous waste feed rate is incorrectly recorded in units of thousand of pounds per day. Primary stack flow is incorrectly recorded in Standard Cubic Feet per Minute. Total chloride/chlorine feed rate is incorrectly recorded in thousands of pounds per day. Metals feed rates (As, Be, Cd, Cr, Sb, Ba, Pb, Hg, Ni, Se, Ag, Tl, and Zn) are incorrectly recorded in grams/year.  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT New Source Review Permit 20432

Description: Missing TTU outage records for FTB-603 and F-210.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(e)

Description: Since the Notification of Compliance Status was submitted 09/10/1997, the document has incorrectly listed the minimum firebox temperature for FTB-603.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(6)

Description: Recordkeeping for some BIF parameters includes the snapshot data instead of the one-minute average data.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(6)  
Rqmt Prov: PERMIT IHW Storage Permit 50161

Description: The hourly rolling average data for % Oxygen is not recorded.

Viol. Classification: Moderate  
 Rqmt Prov: PERMIT IHW Storage Permit 50161  
 Description: No recordkeeping of soot-blowing events as required in IHW permit with monitoring basis of "event".  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT IHW Storage Permit 50161  
 Description: The AWFCO for low combustion air flow is not tested weekly as required.  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT IHW Storage Permit 50161  
 Description: The AWFCO for maximum combustion chamber temperature is set at 2183 degree F, but the permit limit is 2182 degrees F.  
 Viol. Classification: Minor  
 Rqmt Prov: PERMIT IHW permit 50161  
 Description: The daily inspection form does not include documentation of inspection for "external corrosion that may affect integrity" as required in the IHW permit.  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT New Source Review Permit 3434  
 Description: Review of data from 08/18/2006 to 03/31/2008 showed four instances when the total light oil feed rate to the boilers exceeded the air permit representation used in the emissions calculations.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(6)  
 Rqmt Prov: PERMIT IHW Storage Permit 50161  
 Description: No AWFCO in place for maximum combustion air flow as required in the IHW permit.

Notice of Intent Date: 10/25/2007 (600866)  
 No DOV Associated

Notice of Intent Date: 04/29/2008 (681813)  
 No DOV Associated

Notice of Intent Date: 07/02/2008 (114194)  
 No DOV Associated

Notice of Intent Date: 09/02/2008 (706228)  
 Disclosure Date: 04/03/2009  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit HW-50161-001  
 Description: Failure to maintain sufficient documentation demonstrating that personnel responsible for ensuring compliance with the RCRA permit are familiar with the location and content of the RCRA permit.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.37(a)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.37(b)  
 Description: Failure to maintain sufficient documentation that confirms arrangements with local authorities (police and hospital) is in place as appropriate for the type of waste handled at the Dow facility in Freeport, Texas.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to maintain sufficient documentation that annual certification of wastes meeting Land Disposal Requirements are kept on record at the Dow facility in Freeport, Texas.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to use the sampling and analytical methods in permit 50161-001 during initial pre-shipment analysis of incoming bulk, liquid wastes at the B-33 Kiln.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.177(c)  
 Description: Failure to properly store hazardous waste. Specifically, storage containers holding a hazardous waste that may be incompatible with waste or other materials stored nearby, in other containers, are not separated from other materials or protected from them by means of a dike, berm, wall, or other device.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to maintain sufficient documentation that compressive strength testing is performed to demonstrate successful stabilization prior whenever stabilization of hazardous waste is based solely on a pozzolanic reaction.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to maintain sufficient documentation that compressive strength testing was performed to demonstrate successful stabilization of waste prior to landfilling.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.3  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to properly manage waste streams subject to Land Disposal Restrictions. Specifically, waste streams may have been treated using a potentially ineffective treatment method.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to maintain sufficient documentation that initial shipments and random fingerprint analysis on subsequent shipments of offsite bulk and containerized wastes, destined for the B-51 Hazardous Waste Landfill are subjected to a fingerprint analysis to verify that the Waste Profile associated with the waste is correct.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125  
 Rqmt Prov: PERMIT RCRA Permit 50161-001  
 Description: Failure to maintain sufficient documentation that incinerator residue contaminated with F024/K022 (scrubber water filter cake) waste number 5034503H on the Notice of Registration (Dow Waste Profile Number 119111-000) were adequately analyzed after stabilization and prior to landfilling.

Notice of Intent Date: 10/24/2008 (707543)  
 Disclosure Date: 11/10/2009  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)  
 30 TAC Chapter 115, SubChapter B 115.122(a)(2)  
 30 TAC Chapter 115, SubChapter B 115.125  
 30 TAC Chapter 115, SubChapter B 115.126  
 30 TAC Chapter 115, SubChapter B 115.126(1)(C)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)  
 Description: Failure to classify caustic scrubbers as HON control devices and perform tests or monitor HON control devices for purposes of HON MACT or Reg V Vent Gas Control requirements.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.116  
 Description: Failure to amend the NSR Air permit to authorize process vents to be intermittently redirected from the THROX to the T-2910/T-2912 caustic scrubbers under normal operating conditions since 1999.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)  
 Description: Failure to keep available bypass records for any SSM diversions of DK-2822 from F-2820 boiler/T-2830 halogen scrubber to the caustic scrubbers, T2910/T-2912.  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(d)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)  
 Description: Failure to submit update to Title V for NSPS RRR and NSPS NNN applicability related to reactors R-2301 and R-2302 and distillation units RT-2303 and T-2403, respectively.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.129  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)  
 Description: Failure to submit either original HON Subpart Notification of Compliance Status (NOCS) or supplemental NOCS for the Group 2 TDI tank truck (B4TDILR1) and railcar (B4TDILR2) transfer operations.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.1(b)(3)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(3)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2515(b)  
 Description: Failure to document negative applicability with 40 CFR 63 Subpart FFFF, Miscellaneous Organic NESHAP (MON).

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.116  
Description: Failure to maintain adequate records for MSS activities and emissions that are noted in Special Condition No. 21 of NSR Air permit.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.263  
Description: Failure to amend TCEQ NSR Air Permit No. 2008 to authorize maintenance, startup, shutdown emissions routed from the emissions vacuum system to the T-2914 scrubber.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)  
Description: Failure to maintain adequate operating procedures and recordkeeping for emission events that emit less than Reportable Quantity (RQ).

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(3)  
Description: Failure to operate forced and induced draft blowers to maintain proper mitigation building pressure while the phosgene service units are in operation.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.116  
Description: Failure to abide by Condition 4 of the AMOC 2000-01 which requires the Flange Leak Detection System (FLDS) to be vented to the THROX system or to submit a request to revise the AMOC to allow diversion to the T-2910/T-2912 scrubbers when the THROX system is unavailable or down.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.116  
Description: Failure to implement management systems to ensure all instrumentation is calibrated to the required frequency.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34  
Description: Failure to classify the D-10 vessel as a RCRA Hazardous Waste vessel.

Notice of Intent Date: 11/06/2008 (722259)  
No DOV Associated

Notice of Intent Date: 11/20/2008 (707260)  
No DOV Associated

Notice of Intent Date: 11/18/2008 (722258)  
Disclosure Date: 04/26/2010  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)

Description: Notification of Compliance Status for MON (NESHAP:Miscellaneous Organic Chemical Manufacturing) submitted in October 2008 for the Market Development: Converted Epoxy Resins (B3800) Plant did not include the presence of a small amount of benzene in a batch process vent and process wastewater stream.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)  
Description: Previous annual reports for National Emission Standards for Benzene Waste Operations for the process unit "TXO B3806 Market Development Brom Resins/Epoxy" did not include five exempt sources of benzene.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.165  
30 TAC Chapter 115, SubChapter B 115.165(1)  
30 TAC Chapter 115, SubChapter B 115.165(2)  
30 TAC Chapter 115, SubChapter B 115.166(1)  
30 TAC Chapter 115, SubChapter B 115.166(1)(A)(iii)  
30 TAC Chapter 115, SubChapter B 115.166(3)  
30 TAC Chapter 115, SubChapter B 115.166(3)(C)

Description: Failure to demonstrate performance testing using methods specified in 115.165 for water scrubbers T-101 (EPN: B3809SV101) and T-304 (EPN: B3809SV304) and record monitoring parameters required to be measured during the performance tests.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.166  
30 TAC Chapter 115, SubChapter B 115.166(1)  
30 TAC Chapter 115, SubChapter B 115.166(1)(A)(iii)  
Description: Failure to retain temperature monitoring data for scrubbing liquid temperature for T-101 and T-304 for a 5 year period as required by 115.166.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.166(2)(B)  
Description: Failure to maintain a record of the average flow rate and documentation verifying this value.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.131  
30 TAC Chapter 122, SubChapter B 122.132  
Description: Failure to contain specific terms and conditions for the Market Development Plant (Epoxy Products) regarding the applicability of Chapter 115 batch Processes as required by 40 CFR 70.5 (c) and 30 TAC 122.132 (e) in the Title V permit.  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1257(d)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140  
40 CFR Part 63, Subpart G 63.141  
40 CFR Part 63, Subpart G 63.142  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148  
Description: Failure to include the presence of a small amount epichlorohydrin in a batch process vent, a Group 1 Stream, and a process wastewater stream, a Group 2 stream.  
Viol. Classification: Major  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140  
40 CFR Part 63, Subpart G 63.141  
40 CFR Part 63, Subpart G 63.142  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(b)



Description: Failure to include the presence of a small amount of chloromethane and bromomethane found in process vent and process wastewater streams in the Notification of Compliance Status for MON (40 CFR Part 63 Subpart FFFF: National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing).

Viol. Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1257(d)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140  
40 CFR Part 63, Subpart G 63.141  
40 CFR Part 63, Subpart G 63.142  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(b)

Description: Failure to include the maximum amount of benzene found in process vent and process wastewater streams in the Notification of Compliance Status for MON (40 CFR Part 63 Subpart FFFF: National Emission Standard for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing) submitted in August 2009.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454  
30 TAC Chapter 106, SubChapter T 106.454(3)(D)

Description: Failure to keep an internal clean-parts drainage rack for enclosed draining under a cover for the B3806SC01 Solvent Cleaning Station as required by TAC 106.545 (3)(D).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.131  
30 TAC Chapter 122, SubChapter B 122.132(e)  
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)  
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)(4)

Description: Failure to submit a Title V permit revision to include Benzene Waste Operations (BWON) applicability for applicable streams within "TXO B3806 Market Development Brom Resins/ Epoxy".

Notice of Intent Date: 11/25/2008 (721910)

No DOV Associated

Notice of Intent Date: 01/22/2009 (739319)

No DOV Associated

Notice of Intent Date: 03/17/2009 (742452)

Disclosure Date: 03/22/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)  
30 TAC Chapter 335, SubChapter H 335.221(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to extract required one-minute average (OMA) and hourly rolling average (HRA) operating data,

**Pending Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.**

including constituent feed rates.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(6)  
30 TAC Chapter 305, SubChapter F 305.127(2)  
30 TAC Chapter 335, SubChapter H 335.221(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(B)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(C)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(ii)

Description: Failure to maintain programming: did not properly trigger automatic waste feed cut off (AWFCO), did not convert OMA readings from carbon monoxide CEMS system to 10,000 ppmv when 3,000 PPMV is exceeded, did not properly calculate of the hourly rolling averages when instrument failure is detected, and did not initiate an AWFCO when the span of a continuous monitoring system (CMS) (except CEMS) was exceeded and when there is a CMS malfunction.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iv)  
30 TAC Chapter 305, SubChapter F 305.127  
30 TAC Chapter 305, SubChapter F 305.127(2)  
30 TAC Chapter 335, SubChapter H 335.221(a)

Description: Failure to document compliance with the RCRA permit requirement for annual feed rate limits, and weekly AWFCO alarm testing.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)  
30 TAC Chapter 335, SubChapter H 335.221  
30 TAC Chapter 335, SubChapter H 335.221(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to change HRA values for operating parameters for extended periods to show accurate data.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(2)(iii)

Description: Failure to identify an oxygen correction in the Startup, Shutdown, and Malfunction (SSM) Plan for the HWC MACT.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to determine and document the maximum amount of constituents that could enter the Thermal Oxidizer via the various non-waste sources and programmed this information so that this contribution is accounted for in the feed rate determinations.

Viol. Classification: Moderate

Citation: 4F TWC Chapter 63, SubChapter A 63.109

Description: Failure to use One Minute Averages (OMAs) instead of Minute Rolling Averages (MRAs) to determine Hourly Rolling Averages (HRAs) for at least the following parameters- HCl Production, Ejector Venturi Feed Pressure, Demister pH, and D-30 Blowdown.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.347(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to extract OMA and HRA operating data for the After Burner Chamber (ABC) temperature and Scrubber Tower pump amperage.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to update HRA values for various operating parameters for extended periods of time.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.345(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to monitor the flow meter's performance.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1203(a)(3)

Description: Failure to properly convert OMA readings from the carbon monoxide CEMS system to 10000 ppmv when the 3000 ppmv span is exceeded.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.347(d)

30 TAC Chapter 305, SubChapter F 305.127(2)

Description: Failure to verify compliance with RCRA permits requirements for annual feed rate limits.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(I)(1)

Description: Failure to modify the RCRA permit to correct the discrepancies concerning the arrangement and size of the vent spargers in the Afterburner Chamber.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to include feed rates of constituents in the process vents, tank vents and supplemental fuels identified in Table V.I.3 of the permit and HWC MACT Table 2 Documentation of Compliance for this unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116

Description: Failure to include quantities of solid waste from the pack-line in the Total Hazardous Waste calculations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Description: Failure to review and update the Operation and Maintenance Plan in 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Description: Failure to disclose summary information associated with 10 malfunction events in 60 days in the January 2009 HWC MACT periodic report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to calibrate flow meter.

Notice of Intent Date: 03/24/2009 (742462)

No DOV Associated

Notice of Intent Date: 03/30/2009 (742456)

No DOV Associated

Notice of Intent Date: 04/13/2009 (744897)

Disclosure Date: 06/08/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116

Description: Failure to maintain documentation demonstrating that the caustic scrubber is designed with no less than 99 percent removal efficiency for hydrogen chloride and 99.98 percent for bromine.

Notice of Intent Date: 05/04/2009 (746990)

Disclosure Date: 05/04/2010

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Permit No. O-01388

PERMIT Title V Permit No. O-02204

PERMIT Title V Permit No. O-02207

PERMIT Title V Permit No. O-02208

PERMIT Title V Permit No. O-02211

PERMIT Title V Permit No. O-02212  
PERMIT Title V Permit No. O-02213  
PERMIT Title V Permit No. O-02215  
PERMIT Title V Permit No. O-02216  
PERMIT Title V Permit No. O-02217  
PERMIT Title V Permit No. O-02218

Description: Failure to identify RMP Chemicals in the Risk Management Plan.

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Permit No. O-02207  
PERMIT Title V Permit No. O-02209  
PERMIT Title V Permit No. O-02211  
PERMIT Title V Permit No. O-02213

Description: Failure to update RMP to document new Toxic Alternative case modeling scenario (Release Scenario) and new Flammable Worst Case modeling scenario when RMP chemicals were modeled.

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Permit No. O-02208  
PERMIT Title V Permit No. O-02210  
PERMIT Title V Permit No. O-02216  
PERMIT Title V Permit No. O-02217  
PERMIT Title V Permit No. O-02219

Description: Failure to identify process containing RMP chemicals.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116

Rqmt Prov: PERMIT Title V Permit No. O-02215  
PERMIT Title V Permit No. O-02221

Description: Failure to identify RMP release events in the five year history.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116

Rqmt Prov: PERMIT Title V Permit No. O-02213

Description: Failure to audit cover process, LHC Distribution, every 3 years.

Notice of Intent Date: 05/13/2009 (746992)

No DOV Associated

Notice of Intent Date: 05/22/2009 (764971)

Disclosure Date: 12/15/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)(5)(B)

Description: Failure to register on-site waste management units.

Notice of Intent Date: 05/28/2009 (759316)

No DOV Associated

Notice of Intent Date: 06/08/2009 (760155)

No DOV Associated

Notice of Intent Date: 06/12/2009 (762770)

No DOV Associated

Notice of Intent Date: 06/17/2009 (761059)

No DOV Associated

Notice of Intent Date: 06/29/2009 (761341)

No DOV Associated

Notice of Intent Date: 07/02/2009 (762286)

Disclosure Date: 10/26/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.213

Rqmt Prov: PERMIT Standard Conditions

Description: Failure to ensure that materials containing volatile organic compounds with a true vapor pressure greater than or equal to 0.5 psia under actual storage conditions are not being transferred from a dempster into an Iso-container that is vented to atmosphere and to ensure that a loading control plan for the site and an updated report are submitted to TCEQ within 30 days after installation of the additional loading rack.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: PERMIT Special Conditions  
Description: Failure to monitor 4,555 fugitive connectors at least once out of 5,773 fugitive connectors. The other 1,218 have been monitored at least once, but have missed monitoring for various time periods.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: PA Special Conditions  
Description: Failure to maintain records of the March 31, 2008 quarterly cylinder gas audit.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)  
Description: Failure to ensure the current Title V permit (O-02207) and application contain information pertaining to the applicability or exemption status for batch processes under 30 TAC 115.160-169 (Subchapter B, division 6). Process vents associated with B52 are identified as being subject to Reg 5 vent Gas Control Requirements under SubchapterB, Division 2.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Description: Failure to re-monitor and report the repair of a leaking valve and relief valve on the Title V deviation report for the period of October 19, 2007 through April 18, 2008. The fugitive re-monitoring was completed one day late.

Notice of Intent Date: 07/02/2009 (762304)  
No DOV Associated

Notice of Intent Date: 07/13/2009 (763446)  
Disclosure Date: 07/13/2010  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT Special Conditions 2F and 2M  
Description: There were 2 valves and 12 connectors within the B-5200 truck loading rack in acetone service that have not been monitored as required under the air permit for 28MID and 28CNTQ.

Notice of Intent Date: 07/17/2009 (764099)  
Disclosure Date: 10/01/2009  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(a)  
Description: Failure to include the lab waste dempster, DTA-1, in the current fugitive monitoring program.

Notice of Intent Date: 07/16/2009 (764103)  
No DOV Associated

Notice of Intent Date: 07/16/2009 (974995)  
No DOV Associated

Notice of Intent Date: 07/23/2009 (764096)  
Disclosure Date: 07/26/2010  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)  
Description: Failure to label and/or dispose of containers and drums.

Notice of Intent Date: 07/22/2009 (764098)  
Disclosure Date: 09/16/2010  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT Condition 7(h)  
Description: Failure to continuously record all monitoring data. Specifically, a loss of recorded data was observed in the F-210, FTB-603, and the B-901/902/903 operating records.

Notice of Intent Date: 07/28/2009 (764976)  
Disclosure Date: 08/02/2010  
Viol. Classification: Moderate  
Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.1  
Rqmt Prov: PERMIT TPDES Permit No. WQ0000007000  
Description: Failure to reflect the current analytical personnel that could perform regulated analyses to support the site Texas Pollutant Discharge Elimination System Permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to keep correct and required information for waste manifests.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.72(d)(1)  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to locate manifest to determine the disposition of four rejected waste drums.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to dispose waste containers that were past the permitted accumulation date.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.67  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to adequately label containers.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter T 106.452  
 Description: Failure to document how emissions from a grit blaster located in the landfill maintenance area are authorized.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175  
 Description: Failure to store a pallet of 4 drums of closed, labeled ferric sulfate residue wastes in proper location.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to properly label and store a drum of methylene chloride.  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to label a partially full drum of clean sawdust located within a satellite container storage area.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(d)  
 Description: Failure to update personnel list in the Waste Water Treatment Plant RCRA Contingency Plan.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.35  
 Description: Failure to store hazardous waste containers with the required storage space between containers to facilitate required inspections.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to store four drums of hazardous waste in designated storage area. One of four hazardous drums was uncovered.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to label waste trailer in the <90 day container storage area with accumulation start date.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Rqmt Prov: PERMIT HW 50161-001 Permit  
 Description: Failure to list container storage areas in the facility's notice of registration.  
 Viol. Classification: Moderate  
 Rqmt Prov: PERMIT HW 50601-001 Permit  
 Description: Failure to properly store waste containers in satellite accumulation area.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)  
 Description: Failure to communicate expectation of legible signature on all compliance documents to all Environmental Operations personnel.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(a)  
 40 CFR Part 63, Subpart H 63.163  
 40 CFR Part 63, Subpart H 63.164

40 CFR Part 63, Subpart H 63.165  
40 CFR Part 63, Subpart H 63.166  
40 CFR Part 63, Subpart H 63.167  
40 CFR Part 63, Subpart H 63.168  
40 CFR Part 63, Subpart H 63.169  
40 CFR Part 63, Subpart H 63.170  
40 CFR Part 63, Subpart H 63.171  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172  
40 CFR Part 63, Subpart H 63.173  
40 CFR Part 63, Subpart H 63.174  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.691(b)

Rqmt Prov: PERMIT HW #50161-001 X.B.2.g.  
PERMIT NSR permit #46428 SC#6

Description: Failure to meet leak detection requirements for 181 valves, 910 connectors, 5 pumps, 15 pressure relief devices and 7 agitators throughout the B33, B34, B35 process areas.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26  
Rqmt Prov: PERMIT TPDES Permit No. WQ0000007000

Description: Failure to conduct 10 of 13 weekly visual inspections on the correct day as required by the Storm Water Pollution Prevention Plan for Chlorine 7 project.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26  
Rqmt Prov: PERMIT TPDES permit No. WQ0000007000

Description: Failure to update the erosion controls drawing in the Storm Water Pollution Prevention Plan for the Chlorine 7 project and the revision sheet with amended Drainage Ditch Plan.

Notice of Intent Date: 07/30/2009 (765501)

Disclosure Date: 08/25/2010

Viol. Classification: Moderate  
Citation: 40 CFR Part 63, Subpart OO 63.904

Description: Water scrubbers S-1000 and S-1 are not able to maintain the minimum pH as established during a performance test.

Notice of Intent Date: 08/21/2009 (762243)  
No DOV Associated

Notice of Intent Date: 08/26/2009 (776290)  
No DOV Associated

Notice of Intent Date: 09/01/2009 (776285)  
Disclosure Date: 09/18/2009  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)  
Rqmt Prov: PERMIT Operating Permit O-02204

Description: Failure to document visible emission observations of stationary source OC5U5GE500 (FIN) since the Title V permit was issued on February 28, 2005.

Notice of Intent Date: 09/08/2009 (776284)  
No DOV Associated

Notice of Intent Date: 09/14/2009 (777729)  
Disclosure Date: 05/12/2010  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT Special Condition No. 3

Description: Failure to perform or document visible emission observations of the following stationary sources: A12SIGE12; B1SIGE13; B12SIGE12; B2SIGE280; OC7SIGE704.

Notice of Intent Date: 10/02/2009 (779123)  
No DOV Associated

Notice of Intent Date: 10/07/2009 (782753)  
No DOV Associated

Notice of Intent Date: 10/07/2009 (782760)

Disclosure Date: 10/11/2010

Viol. Classification: Moderate

Rqmt Prov: OP O-02202

OP O-02207

OP O-02211

OP O-02215

OP O-02216

OP O-02217

OP O-02220

Description: Failure to perform and/or document visible emission observations within various units at the Polyethylene 3, Polyethylene 4, Unit 2, Versene, Environmental Operations, Phenol/Acetone/Diphenyl Oxide, Marine/Terminal, and Voranol Plants.

Notice of Intent Date: 10/14/2009 (782924)

No DOV Associated

Notice of Intent Date: 10/27/2009 (748465)

No DOV Associated

Notice of Intent Date: 11/10/2009 (794164)

No DOV Associated

Notice of Intent Date: 11/13/2009 (794815)

Disclosure Date: 11/03/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34

Description: Failure to properly manage and dispose of hazardous waste containers.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.1

Description: Failure to properly label and store universal waste. Specifically, waste fluorescent light bulbs were found in the Maintenance buildings. The bulbs were not in closed containment or labeled appropriately with the universal waste label.

Notice of Intent Date: 11/20/2009 (794361)

Disclosure Date: 11/19/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73

Description: Failure to properly maintain mechanical integrity of instruments.

Notice of Intent Date: 11/24/2009 (794384)

Disclosure Date: 11/22/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 1

Description: Failure to obtain the proper authorizations for site emissions. Specifically, emissions from the M-3 finishing column to the seal leg are not authorized by TCEQ NSR Air Permit No. 5339.

Notice of Intent Date: 12/04/2009 (787544)

No DOV Associated

Notice of Intent Date: 01/14/2010 (794380)

Disclosure Date: 09/13/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.243-2(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Description: Failure to identify 130 valves and 347 connectors that were not monitored under a prescribed Lead Detection and Repair Program.

Notice of Intent Date: 01/18/2010 (794383)

No DOV Associated

Notice of Intent Date: 02/05/2010 (797639)



No DOV Associated

Notice of Intent Date: 02/16/2010 (797641)

No DOV Associated

Notice of Intent Date: 02/18/2010 (797644)

No DOV Associated

Notice of Intent Date: 02/19/2010 (797657)

No DOV Associated

Notice of Intent Date: 02/19/2010 (797662)

No DOV Associated

Notice of Intent Date: 03/01/2010 (798594)

No DOV Associated

Notice of Intent Date: 03/12/2010 (798597)

No DOV Associated

Notice of Intent Date: 03/09/2010 (798600)

No DOV Associated

Notice of Intent Date: 03/08/2010 (798627)

No DOV Associated

Notice of Intent Date: 03/12/2010 (798632)

No DOV Associated

Notice of Intent Date: 03/15/2010 (798500)

Disclosure Date: 02/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter D 106.124

Description: Failed to operate plant scrubber D-27 with less than permitted efficiency when treating a vent from an activity authorized by permit by rule. One of the vent pipelines from this activity was incorrectly attached to the scrubber such that vent gas from this pipeline did not fully contact the scrubbing medium as intended by the design.

Notice of Intent Date: 03/26/2010 (800833)

No DOV Associated

Notice of Intent Date: 03/25/2010 (944780)

Disclosure Date: 03/29/2011

Viol. Classification: Minor

Rqmt Prov: PERMIT Special Condition 8E and 8G

Description: Failure to consistently record the date and time of the audio/visual/olfactory inspections for components in heavy liquid VOC service.

Viol. Classification: Minor

Rqmt Prov: PERMIT Special Condition 8G

Description: Failure to include the monthly summary record for Tank D-108 within the monthly emission record for all storage tanks and loading operations.

Notice of Intent Date: 03/31/2010 (800749)

No DOV Associated

Notice of Intent Date: 04/05/2010 (800702)

No DOV Associated

Notice of Intent Date: 04/16/2010 (800774)

Disclosure Date: 04/12/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 115, SubChapter H 115.781(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)

Rqmt Prov: PERMIT Special Condition 5

Description: Failure to conduct monitoring under a prescribed leak detection and repair program for 57 valves and 211

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

connectors.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)

Description: Failure to submit Annual Certification of Federal Operating Permit O-02212 for the time period beginning July 7, 2009 and ending August 4, 2009.

Notice of Intent Date: 04/15/2010 (800792)  
No DOV Associated

Notice of Intent Date: 04/19/2010 (800794)  
No DOV Associated

Notice of Intent Date: 04/26/2010 (826936)  
No DOV Associated

Notice of Intent Date: 04/26/2010 (826940)  
No DOV Associated

Notice of Intent Date: 05/03/2010 (826921)  
No DOV Associated

Notice of Intent Date: 05/07/2010 (826930)  
No DOV Associated

Notice of Intent Date: 05/04/2010 (826948)  
Disclosure Date: 10/25/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)

Description: Failure to conduct annual Method 21 monitoring of two connectors in Light Liquid service due to incorrect classification as Difficult to Monitor.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)

Description: Failure to ensure the carbon monoxide hourly rolling average (CO HRA) does not exceed the 100 parts per million (ppm) limit while hazardous waste is in the combustion chamber.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(iii)

Description: Failure to ensure hazardous waste is not introduced into the combustion chamber while the CO HRA is above the 100 ppm limit.

Notice of Intent Date: 05/26/2010 (826923)  
Disclosure Date: 05/05/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT Special Condition 1

Description: Failure to meet the hourly rate and yearly emission limits for additive vessels V411 and V412 as listed in the Maximum Allowable Emission Rates Table.

Notice of Intent Date: 06/01/2010 (826916)  
No DOV Associated

Notice of Intent Date: 06/03/2010 (846000)  
Disclosure Date: 06/08/2011

Viol. Classification: Minor

Rqmt Prov: PERMIT NSR Permit Special condition I-13

Description: Failure to complete MSS recordkeeping for EPN B52MSS1 EPN B39MSS1.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR General Condition 2 and 40 CFR 63

Description: Failure to monitor 26 components, which is approximately 0.05% of total components subject to fugitive monitoring.

Notice of Intent Date: 06/10/2010 (827965)  
No DOV Associated

Notice of Intent Date: 06/24/2010 (841010)  
No DOV Associated

Notice of Intent Date: 07/12/2010 (841127)

No DOV Associated

Notice of Intent Date: 07/23/2010 (843903)

Disclosure Date: 06/22/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)

Description: Failure to include appropriate off-site notification during 2006-2010 for containers subject to 40 CFR 61 Subpart FF (NESHAP FF) that were sent off-site.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter A 115.10

Description: Failure to include appropriate off-site notification during 2006-2010 for containers subject to 40 CFR 63 Subpart XX (as referenced by 40 CFR 63 YY (Ethylene MACT)) that were sent off-site.

Viol. Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100

Description: Failure to submit a certification letter to TCEQ stating that the Texas Operations Kiln will receive and treat waste subject to 40 CFR 63 Subpart XX [as referenced by 40 CFR 63 Subpart YY(Ethylene MACT)] in accordance with the applicable requirements.

Notice of Intent Date: 07/28/2010 (848864)

No DOV Associated

Notice of Intent Date: 07/29/2010 (848881)

No DOV Associated

Notice of Intent Date: 08/04/2010 (849288)

No DOV Associated

Notice of Intent Date: 08/04/2010 (849315)

Disclosure Date: 08/03/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 17

PERMIT Special Condition I-12

Description: Failure to prevent emissions from EPG Process Tank D-753.

Notice of Intent Date: 08/12/2010 (860736)

Disclosure Date: 07/15/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to include Sumps containing waste water in the RCRA Notice of Registration.

Notice of Intent Date: 08/13/2010 (860742)

No DOV Associated

Notice of Intent Date: 08/13/2010 (860747)

Disclosure Date: 10/26/2010

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-10

40 CFR Part 60, Subpart VV 60.482-2

40 CFR Part 60, Subpart VV 60.482-4

Rqmt Prov: PERMIT Special Condition 11

PERMIT Special Condition 3 and 4A

Description: Failure to properly maintain records. Specifically, records were not maintained for inspection of the pressure relief valves and monitoring systems; records for the AVO inspection of pumps, agitator seals and connectors; and records for the visual inspection of the closed vent system hammer blind and car seal.

Notice of Intent Date: 08/10/2010 (860754)

Disclosure Date: 10/05/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)

30 TAC Chapter 115, SubChapter H 115.781(e)

Description: Failed to adequately keep records: 1. Recordable emission event records were incomplete. 2. Continuous monitoring records were not being maintained for the B4010 S910 TOX during 2007 and 2008. 3. Records

of weekly pump, compressor, and agitator seal inspections were not being maintained.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)

Description: Failed to apply extraordinary repair requirements for valves in HRVOC service prior to placing HRVOC valves in Delay of Repair.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)

Description: Failed to place one connector on Delay of Repair without documenting a first attempt to repair.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)

Description: Failed to maintain documentation. Documentation of HRVOC vent gas compliance demonstration for the B4010 S910 TOX was not maintained.

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.4

30 TAC Chapter 106, SubChapter A 106.8(c)(1)

Description: Documentation of permit by rule claim was missing for vessel D-611.

Notice of Intent Date: 08/10/2010 (863643)

No DOV Associated

Notice of Intent Date: 08/23/2010 (860731)

Disclosure Date: 09/13/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)

Description: Failed to submit NSPS RRR semiannual reports after the October 2005 report. Dow relied on 40 CFR 63 Subpart YY to supercede NSPS RRR. Ethylene MACT does not supercede NSPS RRR for vent gas streams routed to a fuel gas system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.700(c)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(r)

Description: Failed to submit a process design description for vent gas streams, as part of the initial report, as required by 40 CFR 60.700(c)(5) and 60.705(r). The vent gas streams from affected facilities are routed to distillation unit(s) that are subject to NSPS NNN and have no other releases to air except for pressure relief valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.660(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)

Description: Failed to submit NSPS NNN initial notifications or semiannual reports for any of the distillation units at LHC-8.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(3)

40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)

40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)(4)

Description: Failed to supply accurate information with the Title V application for determination of the NSPS NNN applicable requirements for these units: distillation units, LHC-8 furnaces and flares FS-1, FS-1018 and FX-1000.

Viol. Classification: Minor

Citation: 40 CFR Part 60, Subpart NNN 60.662

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to run performance tests within the specified timeframe and/or run performance tests under maximum production rates

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(b)(2)(i)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)

Description: Failed to implement NSPS RRR. This includes, but is not limited to the following requirements: 1. No notification was submitted for the date construction commenced or for initial startup. 2. No notification was submitted in accordance with 40 CFR 60.705(a) indicating which of the specific provisions of 40 CFR 60.702

(a), (b), or (c) were being followed. 3. No report was initially submitted in accordance with 40 CFR 60.705(b)(2)(i) describing the location at which the vent stream is...

Notice of Intent Date: 08/23/2010 (863510)  
No DOV Associated

Notice of Intent Date: 08/30/2010 (870180)  
No DOV Associated

Notice of Intent Date: 08/30/2010 (870184)  
No DOV Associated

Notice of Intent Date: 09/10/2010 (870173)  
Disclosure Date: 04/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)  
40 CFR Part 63, Subpart H 63.165  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.691(b)(2)

Rqmt Prov: PERMIT HW50161, Section X  
PERMIT NSR Permit No. 20909  
PERMIT NSR Permit No. 313  
PERMIT NSR Permit No. 46428  
PERMIT Title V Permit No. O2211

Description: Failed to include some pressure relief devices in the fugitive monitoring program: 1 at the B-35 Wastewater Treatment Plant, 6 at the B-3400 SOHO/FTO, 2 at the B-8 Thermal Oxidizer, and 6 at the B-33 Kiln.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(d)(4)

Rqmt Prov: PERMIT Title V Permit No. O2211

Description: Failed to provide records of inspections on pressure relief devices for the B-34 SOHO and B-33 Kiln areas.

Notice of Intent Date: 09/17/2010 (870168)  
No DOV Associated

Notice of Intent Date: 09/14/2010 (870178)  
No DOV Associated

Notice of Intent Date: 09/29/2010 (870187)  
Disclosure Date: 09/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
30 TAC Chapter 115, SubChapter E 115.412(1)(B)  
30 TAC Chapter 115, SubChapter E 115.412(1)(C)  
30 TAC Chapter 115, SubChapter E 115.412(1)(D)  
30 TAC Chapter 115, SubChapter E 115.412(1)(E)  
30 TAC Chapter 115, SubChapter E 115.412(1)(F)

Description: Failure to complete or document the visual monthly inspections of the solvent degreaser (FIN: B1RRSC127) located at B-127.

Notice of Intent Date: 10/04/2010 (873276)  
Disclosure Date: 02/07/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(4)

Description: Failed to keep general and specific equipment identification records for fugitives, as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)(5)(iii)

Description: Failed to submit engineering calculations, for process vent emissions occurring from R-505 during startup, shutdown, and malfunction that are controlled by the FS-1 Flare, to substantiate that the flare meets the applicable heat content or flow rates during worst case conditions (e.g. - maximum operating conditions). The other option, to submit data from a compliance assessment that the flare is in compliance under worst case conditions, was also not submitted.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)(5)(i)

Description: Failed to designate specific components in > 5% HCN service (for more than 300 hours per year) as never being safe to monitor with the Notification of Compliance Status, and is not currently monitoring such equipment. Did not certify that monitoring such equipment at any time the CCMPU is operating is never safe.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(b)

Description: Failed to submit the Notification of Compliance Status for 40 CFR 63 Subpart YY by the earlier of 240 days after the compliance date or 60 days after completion of the initial performance test or initial compliance assessment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(c)

Description: Failed to submit Periodic Reports for 40 CFR 63 Subpart YY (and the referenced subparts SS/UU). The first Periodic Report was due November 30, 2006 for the period March 9, 2006 - September 30, 2006.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(3)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(3)(ii)

Description: Relative to the R-505 diversion to FS-1 during Startup, Shutdown and Maintenance (SSM) scenarios, failed to produce the SSM Plan and corresponding SSM records for Cyanide MACT purposes prior to the MON compliance date (e.g. between July 12, 2005 - May 10, 2008).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109(d)

Description: Failed to maintain records containing information developed and used to assess control applicability under 40 CFR 63.1103 (e.g. combined total annual emissions of regulated organic HAP).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1106(b)

Description: Maintenance wastewater plan was unavailable prior to MON compliance date. The current maintenance wastewater plan for MON is possibly insufficient to cover all maintenance wastewater activates associated with the Cyanide MACT process.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)  
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)

Description: Failed to include 40 CFR 63 Subpart YY as an applicable regulation in the Title V Permit No. O-02220. The permit shield indicates that the process unit is not a cyanide chemical manufacturing source per 40 CFR 63.1103(g)(2).

Notice of Intent Date: 10/07/2010 (873323)  
No DOV Associated

Notice of Intent Date: 10/15/2010 (873268)  
Disclosure Date: 10/25/2010  
Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)  
Rqmt Prov: OP S.C. 1 Applicable Requirements Summary  
Description: Failure to comply with a general condition of the Facility's Title V permit.

Notice of Intent Date: 10/22/2010 (873272)  
No DOV Associated

Notice of Intent Date: 10/22/2010 (873274)  
No DOV Associated

Notice of Intent Date: 10/27/2010 (870231)  
No DOV Associated

Notice of Intent Date: 11/05/2010 (878610)  
No DOV Associated

Notice of Intent Date: 12/03/2010 (899188)  
Disclosure Date: 12/12/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.32

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173

Description: Failure to properly label and store hazardous waste containers in designated hazardous waste storage areas.

Notice of Intent Date: 12/13/2010 (899196)  
No DOV Associated

Notice of Intent Date: 01/04/2011 (892639)  
No DOV Associated

Notice of Intent Date: 01/07/2011 (899198)  
No DOV Associated

Notice of Intent Date: 01/12/2011 (899983)  
No DOV Associated

Notice of Intent Date: 01/14/2011 (899984)  
No DOV Associated

Notice of Intent Date: 01/21/2011 (899992)  
No DOV Associated

Notice of Intent Date: 01/24/2011 (899996)  
No DOV Associated

Notice of Intent Date: 01/24/2011 (900001)  
No DOV Associated

Notice of Intent Date: 02/03/2011 (900175)  
No DOV Associated

Notice of Intent Date: 02/07/2011 (900178)  
No DOV Associated

Notice of Intent Date: 02/10/2011 (900180)  
No DOV Associated

Notice of Intent Date: 02/22/2011 (905410)  
No DOV Associated

Notice of Intent Date: 02/21/2011 (905414)  
No DOV Associated

Notice of Intent Date: 02/25/2011 (905418)  
No DOV Associated

Notice of Intent Date: 03/01/2011 (905421)  
No DOV Associated

Notice of Intent Date: 03/01/2011 (905577)  
No DOV Associated

Notice of Intent Date: 03/08/2011 (906673)  
Disclosure Date: 04/24/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(2)(D)  
30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)

Rqmt Prov: PERMIT NSR Permit No. 20432, Special Conditions  
PERMIT O2208

Description: Failed to monitor 585 Valves, 19 relief devices, 1307 connectors and 16 pumps. These valves, relief devices, connectors and pumps were not monitored and/or not reported or included in the emission calculations beginning January 9, 1998.

Notice of Intent Date: 03/14/2011 (914160)  
No DOV Associated

Notice of Intent Date: 03/24/2011 (914157)  
No DOV Associated

Notice of Intent Date: 03/21/2011 (914196)  
No DOV Associated

Notice of Intent Date: 03/24/2011 (950301)  
No DOV Associated

Notice of Intent Date: 04/05/2011 (914179)  
No DOV Associated

Notice of Intent Date: 04/04/2011 (914183)  
No DOV Associated

Notice of Intent Date: 04/04/2011 (914192)  
No DOV Associated

Notice of Intent Date: 04/18/2011 (922638)  
No DOV Associated

Notice of Intent Date: 04/26/2011 (922618)  
No DOV Associated

Notice of Intent Date: 04/28/2011 (922795)  
No DOV Associated

Notice of Intent Date: 04/27/2011 (923389)  
No DOV Associated

Notice of Intent Date: 04/24/2011 (923396)  
No DOV Associated

Notice of Intent Date: 04/27/2011 (923418)  
No DOV Associated

Notice of Intent Date: 05/05/2011 (922777)  
No DOV Associated

Notice of Intent Date: 05/11/2011 (923424)



No DOV Associated

Notice of Intent Date: 05/17/2011 (922812)

Disclosure Date: 10/26/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.890

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2460

Description: Failure to reduce by 98%, the collective uncontrolled organic HAP emissions from the sum of all batch process vents within the Solid Epoxy Resin (SER) process unit as per MON compliance requirements.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: OP S.C. 1 (Applicable Requirements Summary

PERMIT S.C. 8

Description: Failure to operate the Solid Epoxy Resin process within permit limits and failure to accurately represent process.

Notice of Intent Date: 05/17/2011 (923407)

Disclosure Date: 08/29/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT NSR Permit No. 35022 SC 7E & 10

PERMIT Title V Permit No. O-2207, SC 8

Description: Failed to correct open ended lines. An open ended line in light liquid was found on 06/14/2011 and immediately corrected by installing a plug.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)(A)(1)

Rqmt Prov: PERMIT Title V Permit No. O-2207, SC 8

Description: Failed to keep the daily average value within permitted range. Daily average flow on 02/10/11 was 298 lbs/hr which is below the daily average limit of 300 lbs/hr established during performance testing.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT NSR Permit No. 35022, SC 10H, 10I

PERMIT Title V Permit No. O2207, SC 8

Description: Failed to repair in a timely manner a flange in light liquid service. Late first repair attempt of a flange in light liquid service, from 10-28-11 to 12-6-11. The flange was observed to be leaking by AVO method on 10-23-11. A first attempt was due on 10-28-11 but was not completed with monitoring until 12-6-11.

Viol. Classification: Moderate

Citation: 40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT NSR Permit No. 35022, SC 12

PERMIT Title V Permit No. O-2207, SC 8

Description: Failed to conduct monitoring. Missed monitoring on one (1) flange in light liquid service from July 1, 2005 to December 06, 2011.

Notice of Intent Date: 05/25/2011 (932734)

No DOV Associated

Notice of Intent Date: 05/31/2011 (932725)

No DOV Associated

Notice of Intent Date: 05/31/2011 (932740)

No DOV Associated

Notice of Intent Date: 06/08/2011 (933580)

No DOV Associated

Notice of Intent Date: 06/14/2011 (934687)

No DOV Associated

Notice of Intent Date: 06/13/2011 (934735)

Disclosure Date: 02/13/2012

Viol. Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter D 115.356(3)(C)

30 TAC Chapter 115, SubChapter H 115.786(e)

30 TAC Chapter 115, SubChapter H 115.786(g)

Description: Failure to keep Train 1 and Train 2 extruders are not included in the recordkeeping requirements of 115.356(3)(C) and 115.786(e) and (g).

Notice of Intent Date: 06/24/2011 (936660)

No DOV Associated

Notice of Intent Date: 06/24/2011 (936671)

No DOV Associated

Notice of Intent Date: 06/22/2011 (936684)

No DOV Associated

Notice of Intent Date: 06/20/2011 (936704)

No DOV Associated

Notice of Intent Date: 06/28/2011 (937071)

No DOV Associated

Notice of Intent Date: 06/30/2011 (941145)

Disclosure Date: 07/20/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1230

40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9015(a)

Rqmt Prov: OP O-01388

OP O-0211

Description: Failure to conduct performance testing as required.

Notice of Intent Date: 06/30/2011 (941160)

No DOV Associated

Notice of Intent Date: 06/30/2011 (941322)

No DOV Associated

Notice of Intent Date: 07/07/2011 (941331)

No DOV Associated

Notice of Intent Date: 07/15/2011 (942399)

No DOV Associated

Notice of Intent Date: 07/11/2011 (942439)

Disclosure Date: 11/16/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to maintain inspection records as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(c)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115(d)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117(a)(8)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)(i)

Description: Failure to submit the required information in the Notification of Compliance Status (NOCS) report for HON Subpart G.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(e)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(e)(1)

Description: Failure to conduct the required compliance testing as required by HON Subpart G.  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(d)

Description: Failure to prepare and implement a completed monitoring plan to detect leaks within the PMDI facility heat exchanger.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)

Description: Failure to maintain records of Startup, Shutdown and Malfunction (SSM) events.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9000(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9010(b)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9015(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9020

Description: Failure to claim the T-532 phosgene/HCl scrubber prior to the FS-532 flare as a control device. Additionally, failure to meet the requirements of the HCl MACT.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115

Description: Failure to partially conduct the required compliance testing as required by HCl MACT.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115

Description: Failure to maintain and operate monitoring equipment according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115

Description: Failure to meet the requirements of the LDAR plan as required by HCl MACT.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT S.C. 9.D.

Description: Failure to maintain calibration records and failure to meet the allowable calibration accuracy specifications per the applicable air permit.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT S.C. 26 (A)(1-2)

Description: Failure to conduct required monitoring or testing as per NSR Permit No. 46431.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(e)(6)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)

Description: Failure to maintain the required documentation for equipment subject to HON Subpart H.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(4)

Description: Failure to submit to the TCEQ, a report of any revisions to items reported in earlier NOCS, if the method of compliance has changed since the last report.  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.111  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(c)

Description: Failure to correctly identify the "point of determination" for Group 2 wastewater stream. Additionally, failure to consider all Table 9 HAPs.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter F 115.544  
 30 TAC Chapter 115, SubChapter F 115.546

Description: Failure to conduct required monitoring or testing during degassing operations.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9020(e)(1)

Description: Failure to submit an alternative monitoring request or a waiver from the requirements of HCI MACT for BU520.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.46(b)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(b)

Description: Failure to conduct required NOx performance testing on furnace F-621.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(f)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(f)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(b)

Description: Failure to meet the requirements of HON (National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry).

Notice of Intent Date: 07/12/2011 (942461)

No DOV Associated

Notice of Intent Date: 07/29/2011 (948818)

No DOV Associated

Notice of Intent Date: 08/01/2011 (949052)

No DOV Associated

Notice of Intent Date: 08/08/2011 (949165)

No DOV Associated

Notice of Intent Date: 08/08/2011 (949239)

No DOV Associated

Notice of Intent Date: 08/26/2011 (964109)

No DOV Associated

Notice of Intent Date: 08/31/2011 (964105)

No DOV Associated

Notice of Intent Date: 09/12/2011 (968262)

No DOV Associated

Notice of Intent Date: 09/19/2011 (964505)

No DOV Associated

Notice of Intent Date: 10/03/2011 (964111)

No DOV Associated

Notice of Intent Date: 10/03/2011 (964641)

No DOV Associated

Notice of Intent Date: 10/12/2011 (968435)

No DOV Associated

Notice of Intent Date: 10/17/2011 (968437)

No DOV Associated

Notice of Intent Date: 10/25/2011 (968444)

No DOV Associated

Notice of Intent Date: 10/26/2011 (968461)

No DOV Associated

Notice of Intent Date: 11/02/2011 (974752)

No DOV Associated

Notice of Intent Date: 11/02/2011 (974756)

No DOV Associated

Notice of Intent Date: 01/13/2012 (989602)

No DOV Associated

Notice of Intent Date: 01/12/2012 (994614)

No DOV Associated

Notice of Intent Date: 01/13/2012 (994618)

No DOV Associated

Notice of Intent Date: 01/17/2012 (994620)

No DOV Associated

Notice of Intent Date: 01/24/2012 (989674)

No DOV Associated

Notice of Intent Date: 01/30/2012 (995362)

No DOV Associated

Notice of Intent Date: 02/07/2012 (994823)

No DOV Associated

Notice of Intent Date: 02/14/2012 (994603)

No DOV Associated

Notice of Intent Date: 02/14/2012 (994611)

No DOV Associated

Notice of Intent Date: 02/22/2012 (1021546)

No DOV Associated

Notice of Intent Date: 03/07/2012 (994629)

No DOV Associated

Notice of Intent Date: 03/15/2012 (1022054)

No DOV Associated

Notice of Intent Date: 03/20/2012 (996100)

No DOV Associated

Notice of Intent Date: 03/22/2012 (996103)

No DOV Associated

Notice of Intent Date: 05/03/2012 (1020664)

No DOV Associated

Notice of Intent Date: 04/30/2012 (1022109)

No DOV Associated

Notice of Intent Date: 05/07/2012 (1020608)

No DOV Associated

Notice of Intent Date: 05/07/2012 (1022296)

No DOV Associated

Notice of Intent Date: 05/10/2012 (1022460)

No DOV Associated

Notice of Intent Date: 05/10/2012 (1023051)

No DOV Associated

Notice of Intent Date: 05/14/2012 (1020620)

No DOV Associated

Notice of Intent Date: 05/14/2012 (1022433)

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

No DOV Associated

Notice of Intent Date: 06/15/2012 (1013979)

No DOV Associated

Notice of Intent Date: 06/15/2012 (1014689)

No DOV Associated

Notice of Intent Date: 06/18/2012 (1014008)

No DOV Associated

Notice of Intent Date: 06/19/2012 (1014982)

No DOV Associated

Notice of Intent Date: 06/18/2012 (1016233)

No DOV Associated

Notice of Intent Date: 06/18/2012 (1019680)

No DOV Associated

Notice of Intent Date: 06/27/2012 (1016063)

No DOV Associated

Notice of Intent Date: 06/26/2012 (1016208)

No DOV Associated

Notice of Intent Date: 07/09/2012 (1016221)

No DOV Associated

Notice of Intent Date: 07/16/2012 (1016177)

No DOV Associated

Notice of Intent Date: 07/27/2012 (1016198)

No DOV Associated

Notice of Intent Date: 07/26/2012 (1016217)

No DOV Associated

Notice of Intent Date: 07/25/2012 (1022667)

No DOV Associated

Notice of Intent Date: 08/14/2012 (1020670)

No DOV Associated

Notice of Intent Date: 08/24/2012 (1035246)

No DOV Associated

Notice of Intent Date: 09/06/2012 (1035334)

No DOV Associated

Notice of Intent Date: 09/06/2012 (1035339)

No DOV Associated

Notice of Intent Date: 09/14/2012 (1035361)

No DOV Associated

Notice of Intent Date: 09/10/2012 (1035362)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**Pending** Compliance History Report for CN600356976, RN100225945, Rating Year 2012 which includes Compliance History (CH) components from September 21, 2007, through September 21, 2012.

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE DOW CHEMICAL COMPANY  
RN100225945**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-2015-IHW-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Dow Chemical Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility at 2301 North Brazosport Boulevard in Freeport, Brazoria County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-One Thousand Three Hundred Eighty Dollars (\$51,380) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty Thousand Five Hundred Fifty-Two Dollars (\$20,552) of the administrative penalty and Ten Thousand Two

Hundred Seventy-Six Dollars (\$10,276) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty Thousand Five Hundred Fifty-Two Dollars (\$20,552) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Conducted employee training on July 11, 2012, in performing operational testing on the automatic waste feed cutoff ("AWFCO") system for Boiler FTB-210 at least once every seven days;
  - b. Conducted employee training in documentation of weekly inspections of all container storage areas on July 11, 2012;
  - c. Conducted employee training in documentation of daily inspections of all hazardous waste tank systems on July 11, 2012; and
  - d. Programmed the computer alarm to shut down the hazardous waste feed at 75 parts per million volume ("ppmv") on September 11, 2012 to prevent the gas stack concentration from exceeding 100 ppmv of carbon monoxide ("CO").
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to meet the regulatory limit for the stack gas concentration of 100 ppmv of CO while burning hazardous waste in Boiler FTB-210 (Notice of Registration ("NOR") Unit No. 154), in violation of 30 TEX. ADMIN. CODE § 335.221(a)(6) and 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 266.102(e)(1), 266.102(e)(2)(ii)(A), 266.104(b)(1) and Hazardous Waste Permit No. 50161, Provision V.I.3.b.(i), as documented during an investigation conducted on June 20, 2012. Specifically, the AWFCO failed to properly activate when the CO exceeded 100 ppmv on seven occurrences from May 18, 2011 through June 3, 2011.
2. Failed to perform operational testing on the AWFCO for boiler FTB-210 (NOR Unit No. 154) at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 335.221(a)(6) and 40 CFR § 266.102(e)(8)(iv), and Hazardous Waste Permit No. 50161, Provision V.I.7.d., as documented during an investigation conducted on June 20, 2012. Specifically, operational testing on the AWFCO was not conducted on June 9, June 27, and October 18, 2010.
3. Failed to document weekly inspections of container storage areas, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CFR § 265.174, as documented during an investigation conducted on June 20, 2012. Specifically, no inspection records were available for the following units: 1) Block A-16 (NOR Unit No. 248); 2) Block A-18 (NOR Unit No. 249); 3) Block B-2 (NOR Unit No. 259); 4) Block B-38 (NOR Unit No. 263); 5) Block B-48 (NOR Unit No. 264); 6) Block B-46 (NOR Unit No. 308); 7) Block B-14 (NOR Unit No. 315); 8) Block A-13 (NOR Unit No. 323); 9) Block B-46 (NOR Unit No. 421); 10) Block B-6 (NOR Unit No. 438); 11) Block B-40 (NOR Unit No. 602); 12) Block B-40 (NOR Unit No. 603); 13) Block B-20 (NOR Unit No. 619); and 14) Block A-24 (NOR Unit No. 684).
4. Failed to document daily inspections of hazardous waste tank systems, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(B) and 40 CFR § 265.195(g), as documented during an investigation conducted on June 20, 2012. Specifically, no inspection records were available for Tank ND-116 (NOR Unit No. 008 in Block A-18) on May 13, 2012 and Tank D-840 (NOR Unit 205 in Block B-46) on October 2, 2011.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Dow Chemical Company, Docket No. 2012-2015-IHW-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, paragraph 6 of Jurisdictions and Stipulations above, Twenty Thousand Five Hundred Fifty-Two Dollars (\$20,552) shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or

authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Pamela Sanchez*  
For the Executive Director

6/4/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*JR Falcon*  
Signature

3-4-13  
Date

*Fran Quinlan Falcon*  
Name (Printed or typed)  
Authorized Representative of  
The Dow Chemical Company

*Environmental Leveraged Delivery  
Leader*  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2012-2015-IHW-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Dow Chemical Company</b>
<b>Penalty Amount:</b>	<b>Forty-One Thousand One Hundred Four Dollars (\$41,104)</b>
<b>SEP Offset Amount:</b>	<b>Twenty Thousand Five Hundred Fifty-Two Dollars (\$20,552)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Recipient SEP</b>
<b>Third- Party Recipient:</b>	<b>Friends of the River San Bernard</b>
<b>Project:</b>	<b><i>Friends of the River San Bernard Natural Area Acquisition and Conservation Program</i></b>
<b>Location of SEP:</b>	<b>Brazos-Colorado Coastal River Basin and Austin, Brazoria, Colorado, Fort Bend, Matagorda and Wharton Counties</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Friends of the River San Bernard** for the *Friends of the River San Bernard Natural Area Acquisition and Conservation Program*, as set forth in the SEP Agreement referenced above between the Third-Party Recipient and the TCEQ. The SEP Offset Amount will be used to preserve a contiguous wetland corridor along the San Bernard River in lower Fort Bend County. Ducks Unlimited has protected an adjacent 114 acre tract with two conservation easements but the contiguity of this wetland corridor greatly depends on the acquisition and preservation of the remaining acreage. This SEP will focus on three tracts of land comprising approximately 645 acres in the wetland corridor on the north side of the San Bernard River and west of Armstrong Road. The Third-Party Recipient shall use SEP

The Dow Chemical Company  
Agreed Order - Attachment A

Funds to acquire conservation easements on these tracts to provide permanent protection and stewardship of these lands and waters. All tracts acquired in whole or in part with SEP Funds shall be preserved in perpetuity through conservation easements that comply with Subchapter A, Chapter 183, Texas Natural Resources Code. The Holder of the San Bernard Conservation Easements shall be WETLANDS AMERICA TRUST, INC. (affiliated with Ducks Unlimited) which Third-Party Recipient certifies is an entity that meets the definition of "holder" under Section 183.001(2), Texas Natural Resources Code.

The SEP will be done in accordance with all federal, state and local environmental laws and regulations. Respondent shall not profit from this SEP in any manner. Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

Permanently protecting this land through the use of conservation easements will prevent pollution, enhance the quality of the environment, and may reduce the amount of pollutants reaching the environment. The land is located within the Central Flyway on the Upper Texas Coast where approximately 10 million ducks and geese winter each year. Conservation of habitat for migratory birds and other wetland dependent wildlife is critical for maintaining the rich diversity of bird life in this area. Wetlands also benefit people by recharging groundwater supplies, reducing coastal storm surges, retaining flood waters during storm events and improving water quality. By protecting this land and preventing development, water quality, air quality and wildlife habitat will be protected.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to the addressee listed below:

Ms. Barbara Fratila, Co-Chair  
Friends of the River San Bernard  
P.O. Box 93  
Brazoria, Texas 77422



### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to the addressee listed below:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

### **6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the

The Dow Chemical Company  
Agreed Order - Attachment A

“Clean Texas” (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Attachment A**  
**Docket Number: 2012-2015-IHW-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Dow Chemical Company</b>
<b>Penalty Amount:</b>	<b>Forty-One Thousand One Hundred Four Dollars (\$41,104)</b>
<b>SEP Offset Amount:</b>	<b>Twenty Thousand Five Hundred Fifty-Two Dollars (\$20,552)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Recipient SEP</b>
<b>Third- Party Recipient:</b>	<b>Friends of the River San Bernard</b>
<b>Project:</b>	<b><i>Friends of the River San Bernard Natural Area Acquisition and Conservation Program</i></b>
<b>Location of SEP:</b>	<b>Brazos-Colorado Coastal River Basin and Austin, Brazoria, Colorado, Fort Bend, Matagorda and Wharton Counties</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Friends of the River San Bernard** for the *Friends of the River San Bernard Natural Area Acquisition and Conservation Program*, as set forth in the SEP Agreement referenced above between the Third-Party Recipient and the TCEQ. The SEP Offset Amount will be used to preserve a contiguous wetland corridor along the San Bernard River in lower Fort Bend County. Ducks Unlimited has protected an adjacent 114 acre tract with two conservation easements but the contiguity of this wetland corridor greatly depends on the acquisition and preservation of the remaining acreage. This SEP will focus on three tracts of land comprising approximately 645 acres in the wetland corridor on the north side of the San Bernard River and west of Armstrong Road. The Third-Party Recipient shall use SEP

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Funds to acquire conservation easements on these tracts to provide permanent protection and stewardship of these lands and waters. All tracts acquired in whole or in part with SEP Funds shall be preserved in perpetuity through conservation easements that comply with Subchapter A, Chapter 183, Texas Natural Resources Code. The Holder of the San Bernard Conservation Easements shall be WETLANDS AMERICA TRUST, INC. (affiliated with Ducks Unlimited) which Third-Party Recipient certifies is an entity that meets the definition of "holder" under Section 183.001(2), Texas Natural Resources Code.

The SEP will be done in accordance with all federal, state and local environmental laws and regulations. Respondent shall not profit from this SEP in any manner. Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

Permanently protecting this land through the use of conservation easements will prevent pollution, enhance the quality of the environment, and may reduce the amount of pollutants reaching the environment. The land is located within the Central Flyway on the Upper Texas Coast where approximately 10 million ducks and geese winter each year. Conservation of habitat for migratory birds and other wetland dependent wildlife is critical for maintaining the rich diversity of bird life in this area. Wetlands also benefit people by recharging groundwater supplies, reducing coastal storm surges, retaining flood waters during storm events and improving water quality. By protecting this land and preventing development, water quality, air quality and wildlife habitat will be protected.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to the addressee listed below:

Ms. Barbara Fratila, Co-Chair  
Friends of the River San Bernard  
P.O. Box 93  
Brazoria, Texas 77422

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to the addressee listed below:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

### **5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

### **6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the

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“Clean Texas” (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.